

Revitalizing Zion: Nineteenth-Century Mormonism and Today's Urban Sprawl

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In the nineteenth century, Mormons planned and built hundreds of communities throughout the West. Time, growth, and redevelopment have begun to erase this history. Like towns and cities across the country, places first settled by Mormons now grapple with urban sprawl's challenges. This article explores whether the Mormons bold planning effort that permeated the frontier of the Old West of the nineteenth century has any lessons to offer those grappling with the planning challenges facing the New West of today.

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INTRODUCTION

If asked their impression of Mormonism, very few people would bother to discuss how the Mormons helped settle the West.¹ Perhaps given Mormonism's rich and sometimes controversial history, it is hardly a surprise that the Mormon contribution to building cities and towns in the West receives little attention.² Yet, the imprint of Mormon planning is found in literally hundreds of communities throughout the West.

Not surprisingly, the Mormon settlements established during the nineteenth century have changed dramatically since their founding. It is hard to imagine, for example, that a Mormon village and fort were the beginnings of a city that markets itself today with the naughty tagline "What happens in Vegas stays in Vegas."³ Even for those communities that are still largely populated by Mormons, time, redevelopment, and new development have eroded much of the original Mormon settlement design. So, besides the old cores of these twenty-first century communities—typically with wide streets and set out in a grid—little separates the look and feel of most of these towns and cities from other places across the United States: urban sprawl, booming suburbs, big box retail, parking lots and highways, and declining—or perhaps revitalizing—urban cores.⁴

¹ Members of the Church of Jesus Christ of Latter-day Saints (the Mormons) are known for many things. Among the most well known of these are their beliefs in *The Book of Mormon* and modern-day prophets; their abstention from drugs, alcohol, and tobacco; and their history of practicing and then abandoning polygamy. In the spirit of disclosure, it is noted that the author of this article is a practicing Mormon.

² Note, however, that the contribution of Mormon planning has not been entirely overlooked. In 1996, the American Planning Association presented the Mormon Church its Planning Landmark Award in recognition of the contributions of Joseph Smith and Brigham Young in planning and building many nineteenth-century western settlements. Christopher Smith, *LDS Founder's Blueprint To Build Heaven on Earth Earns Award for Church*, SALT LAKE TRIB., June 2, 1996, at B1.

³ See City of Las Vegas Website, <http://www.lasvegasnevada.gov/FactsStatistics/history.htm> (last visited Mar. 12, 2008).

⁴ "Urban sprawl" refers to development with the following characteristics: "low density"; suburban growth "that expands in an unlimited and noncontiguous (leapfrog) way outward from the solidly built-up core of a metropolitan area"; "consumption of exurban agricultural and other frail lands in abundance"; "reliance upon the automobile as a means of accessing the individual land uses"; and "the lack of integrated land-use

Yet, much of the stories of Joseph Smith and Brigham Young reflect the struggles of leaders attempting to build and maintain communities. For Smith, it was setting up refuges for his followers: first in New York, then in Ohio, Missouri, and Illinois.⁵ In each case, Smith's settlements became sources of local controversy and eventually targets of persecution: sometimes burned to the ground, often looted by mobs, and in each case for the Mormons, relatively short-lived. Young's story is much different. After Smith's death, Young determined refuge was not enough; he wanted isolation. He led his followers across the plains of the Midwest, over the Rocky Mountains, into the arid Great Basin, and ultimately into the valley of the Great Salt Lake.

In Mormon history, the arrival of the Mormons to what is now Salt Lake City is a matter of great consequence. As Young gazed from his wagon—smitten with a disease that his fellow settlers coined “Mountain Fever”—onto the fairly desolate landscape where Salt Lake City now sits, Young reportedly said, “It is enough. This is the right place. Drive on.”⁶ Within days, the groundwork for a new city was planned and construction of Young's first major settlement began soon thereafter. This was the first of about five hundred settlements built by the Mormons in the West, including many throughout Utah, Arizona, New Mexico, Nevada, and Idaho, and to a lesser extent in California, Mexico, and Canada.⁷

However, by the turn of the twentieth century, Mormon planning efforts had dissipated. So with more than a century between this period of Mormon city building and today, this experiment might not even seem to have much modern relevance even to today's Mormons—even if they find it a curiosity. However, putting religious affiliation aside, can we glean anything from Mormon urban planning policy that may prove valuable to confronting planning challenges today?⁸ This is the central question this article addresses.

planning,” NATIONAL RESEARCH COUNCIL, TCRP REPORT 39: THE COSTS OF SPRAWL – REVISITED 6 (1998).

⁵ See generally RICHARD LYMAN BUSHMAN, *JOSEPH SMITH: ROUGH STONE ROLLING: A CULTURAL BIOGRAPHY OF MORMONISM'S FOUNDER* (2007).

⁶ Rebecca Walsh, *Honor Past, but Future Matters*, SALT LAKE TRIB., July 24, 2007.

⁷ Lynn Rosenvall, *Joseph Smith's Influence on Mormon City Planning*, ENSIGN, June 1974, at 26.

⁸ In this article, the term “policy” is used very loosely. It may seem odd to think of a church having a “policy” on things such as land use, housing, or open space. The Mormon Church used its influence to direct its followers. For example, Young and other influential Mormons affected land use policy in ways just as striking (if not more so) than any contemporary local or state government in the modern United States: determining the design and location of hundreds of settlements, instructing individual members not only in which settlement but even which parcel to inhabit, and even minutia like the setback of each house, the direction it faced, and the material of which it was made. This article works from the perspective of Lawrence Friedman, that “law” and “policy” is the “reflect[ion] of the goals. . . of those who call the tune” in a given society. LAWRENCE M. FRIEDMAN, *A HISTORY OF AMERICAN LAW* 19 (Simon & Schuster 2d ed. 1985) (1973). While formally, Mormon leaders had no legal authority to build communities (at least none recognized by the federal government), time and circumstance allowed the Mormons

It is an understatement to say that Mormons had very high hopes in building their frontier communities. They literally aspired to build "Zion"—which they conceived as a Utopia that would ultimately become "a dwelling place of [Jesus] and of human beings perfected after the order of the Christian tradition."⁹ The Mormons hoped to develop a place "free from greed, selfishness, and vanity."¹⁰ As one Mormon scholar put it, "Zion is the great moment of transition, the bridge between the world as it is and the world as God designed it and meant it to be."¹¹

Granted, the ideal of Zion is a much loftier goal than those seriously entertained by any United States planning entity today. Even Portland, which has become the Mecca for urban planners, is merely held up as a pre-eminent example due to its "livability" and "quality of life." Nineteenth-century Mormons believed that their settlements should be "holy" and "beautiful."¹² Perhaps today, requesting city planners for holiness is asking too much. However clearly, asking for more than we are getting in most cases is not.

Urban sprawl has become the dominant land use pattern across the United States and has done so by the unwitting inertia of neglect.¹³ Sprawl growth comes at a significant cost: urban blight, isolation of the poor, consumption of open spaces, increased water and air pollution (including greenhouse gases), and decreasing the effectiveness and/or increasing the cost of providing a wide range of public infrastructure (e.g., roads and utilities) and public services (e.g., police, fire, and emergency services).¹⁴

Looking at our urban and suburban landscapes, the need for change and planning is apparent. Perhaps we have set our sights too low. Perhaps we ought to follow the lead of nineteenth-century Mormons: planners who looked across the beautiful setting of the Interior West, with its rugged mountains and red-rock bluffs—including those now called Zion—and took seriously what Wallace

to go ahead nonetheless, being too far removed and isolated for the federal government to enforce any claim it may have wished to exercise over these frontier settlements. EDWIN BROWN FIRMAGE & RICHARD COLLIN MANGRUM, *ZION IN THE COURTS* 293-94 (1988) (referring to Mormon settlers as "squatters on the public domain" and detailing lax federal enforcement). It may be useful to think about Mormon land use policies as informal rules that nonetheless structure the ways the settlers interacted. This conception conforms to the new institutionalists' broad conception of "institutions." See DOUGLASS C. NORTH, *INSTITUTIONS, INSTITUTIONAL CHANGE, AND ECONOMIC PERFORMANCE* 3 (1990) (defining institutions as "rules of the game" that "shape human interaction"). This conception of rules embraced in this article rejects a clear distinction between law and other societal rules. See JACK KNIGHT, *INSTITUTIONS AND SOCIAL CONFLICT* 3 (1992).

⁹ LOWRY NELSON, *THE MORMON VILLAGE: A PATTERN AND TECHNIQUE OF LAND SETTLEMENT* 37 (1952).

¹⁰ *Id.*

¹¹ HUGH NIBLEY, *APPROACHING ZION* 4 (1989).

¹² JOSEPH SMITH, *DOCTRINE AND COVENANTS* 82:14 (5th ed. 1981).

¹³ MYRON ORFIELD, *METROPOLITICS: A REGIONAL AGENDA FOR COMMUNITY AND STABILITY* 2 (Brookings Institution Press 1997).

¹⁴ *Infra* Part III (discussing the costs of sprawl).

Stegner has described as the West's greatest challenge: to build a "civilization to match its scenery."¹⁵

Part I addresses the primary guiding principles nineteenth-century Mormon leaders used while building settlements: vision, cooperation, stewardship, and care for the poor.

Part II briefly describes how Mormon communities—particularly among those in the Interior West—transformed from Mormon settlements into the sprawled communities of today.

Part III provides an introductory discussion as to why urban sprawl poses challenges worthy of our attention.

Part IV looks at the principles sustaining urban sprawl, and does so with particular reference to Utah—the major destination of nineteenth-century Mormon settlers. This discussion contrasts the principles governing sprawl with those of nineteenth-century Mormon planning efforts.

Part V addresses how to employ the land-use principles pursued by nineteenth-century Mormons in society today and how doing so might help address the challenges posed by urban sprawl.

I. PRINCIPLES OF ZION

By the close of the nineteenth century, Mormons had colonized approximately five hundred settlements.¹⁶ The workings of these settlements stand in striking contrast not only with other contemporary western settlements but also with America today: Mormons relied on a theocracy as their political mechanism¹⁷ and often muted the free market to meet the ends of the church and the public.¹⁸ Yet, behind these peculiarities, we find the foundational principles that while perhaps are equally as rare, resonate much more clearly today. Mormons sought the ideal of Zion, which simply sought to promote society's collective interests over narrower self-interests:

We all concede the point that when this mortality falls off, and with its cares, anxieties, love of self, love of wealth, love of power, and all the conflicting interests . . . , that then, when our spirits have returned to God who gave them, . . . we shall then live together as one great family;

¹⁵ WALLACE STEGNER, *WHERE THE BLUEBIRD SINGS TO THE LEMONADE SPRINGS* xv (Random House 1992).

¹⁶ See Rosenvall, *supra* note 7.

¹⁷ See ANDREW L. NEFF, *HISTORY OF UTAH: 1847-1869*, 108-11 (1940).

¹⁸ See *generally* LEONARD J. ARRINGTON, *GREAT BASIN KINGDOM: ECONOMIC HISTORY OF THE LATTER-DAY SAINTS, 1830-1900* (1958).

our interest will be a general common interest. Why can we not so live in this world?¹⁹

This Part highlights and discusses four foundational principles the nineteenth-century Mormons employed in pursuit of Zion: vision, cooperation and interconnectedness, stewardship, and care and integration of the poor.

A. Vision

If the Mormon experiment in community building claimed anything, it claimed to be visionary. This is true at the local and the regional level. At the local level, every settlement was based on a plat that Smith claimed came to him in revelation from God.²⁰ Church leadership took interest in the details of settlement design, and settlers structured their settlements according to the design and approval of church leaders.²¹ The Plat of the City of Zion, as it is called, and the attentiveness of Mormon leaders left a unique imprint on the built landscape of the West.

At the regional level, Young also claimed to have divine guidance as he built settlements to further goals of the church leadership. The church leaders pursued some settlements to take advantage of a particular natural resource—a stream or particularly fertile soil; others were designed to give the Mormons a particular political or economic advantage—dotting the trail of an important trade route or diversifying the church’s ability to grow specific crops and thereby increasing their independence from the rest of the West.

From many religious perspectives, it may seem odd that religion would have such an active hand in something as temporal as community planning. However, for the nineteenth-century Mormons, this would not have come as a surprise. Mormon theology teaches that “all things unto [God] are spiritual.”²² Additionally, from their perspective, it was very clear that God had an interest in how they built their settlements because they were building Zion.²³ Wilford Woodruff, the fourth President of the church, described the work of building settlements as an important religious duty:

[W]e can’t build Zion sitting on a hemlock slab singing ourselves away to everlasting bliss; we are obliged to build cities, towns, and villages, and we are obliged to gather the people from every nation under heaven to the Zion of God, that they may be taught the ways of the Lord.²⁴

¹⁹ Brigham Young, in *JOURNAL OF DISCOURSES* 12:153 (Church of Jesus Christ of Latter-day Saints 1886).

²⁰ See Part I.A.1.

²¹ FIRMAGE & MANGRUM, *supra* note 8, at 294.

²² DOCTRINE AND COVENANTS, *supra* note 12, at 29:34.

²³ See *supra* notes 9-12 and accompanying text.

²⁴ Wilford Woodruff, in *JOURNAL OF DISCOURSES*, *supra* note 19, at 16:268-69.

To Brigham Young, the importance of this task was paramount: "I have Zion in my view constantly. We are not going to wait for angels, or for Enoch and his company to come and build Zion, but we are going to build it."²⁵

1. Zoning in Zion

Joseph Smith first used the Plat of Zion in his attempts to organize followers in Jackson County, Missouri.²⁶ The Plat provided quite detailed instructions:

The village plot was to be one mile square, with each block or square containing ten acres. With twenty lots to the block, each lot would be a half acre in size. Moreover, the lots were laid off alternately in such a way that no house would be exactly opposite another house. Uniform regulations would assure that there would be only one house to a lot, and that each house would be at least twenty-five feet from the street. A large block in the center was set aside for such public buildings as the bishop's storehouse, meetinghouses, temples, and schools. Streets would run north-south and east-west and would be wide. The city would contain about 1,000 family units, each with a respectable garden space and grove, lawn, or orchard. Outside the city would be the farms. And when this city is filled up, wrote Joseph Smith, "lay off another in the same way, and so fill up the world in these last days."²⁷

While the plan is not followed precisely in every Mormon settlement, it served as a starting point and its footprint is clearly embedded in each Mormon settlement.²⁸ Throughout the West, it is easy to find evidence of this: wide roads, the grid-like street patterns, the homes set back a considerable distance from the street, attention to preserving a feel of openness, and a center block devoted to religious infrastructure—temples, tabernacles, churches, and other important church buildings.

The introduction of the Plat of Zion to the Interior West came with dramatic flair. Within days of coming to the valley of the Great Salt Lake, while Young was walking north of the Mormon encampment, he stopped suddenly and stabbed his cane into the ground and declared that the settlers would build the temple at that spot.²⁹ Once the site of the temple was known, the heart of the Plat of Zion, figuring out where to build the rest of the city was just a matter of extrapolation.³⁰

²⁵ JOURNAL OF DISCOURSES, *supra* note 19, at 9:284.

²⁶ See C. MARK HAMILTON, NINETEENTH-CENTURY MORMON ARCHITECTURE & CITY PLANNING 14-15 (1995).

²⁷ ARRINGTON, *supra* note 18, at 10.

²⁸ See HAMILTON, *supra* note 26, at 14.

²⁹ See SPENCER W. KIMBALL, FAITH PRECEDES THE MIRACLE, 33 (1972).

³⁰ ARRINGTON, *supra* note 18, at 45; Craig D. Galli, *Building Zion: The Latter-day Saint Legacy of Urban Planning*, 44:1 BYU STUDIES 111, 115 (2005).

With the plan firmly in place, the building of Salt Lake City began within days of arrival to the valley.

As church leaders applied the Plat of Zion though out the West, these leaders somewhat embellished it. For example, while many settlers made their livelihoods as farmers and, to a lesser extent, factory workers, to some extent Mormon land use anticipated Euclidian zoning and attempted to separate the settlements from the nuisances created by that work.³¹ Church “[z]oning regulations required that factories and farms be beyond the town boundaries.”³² This also helped farmers and factory workers to remain active participants in settlement communities.

The command from God that “Zion must increase in beauty and in holiness”³³ was thought to apply both at the city level and at the individual property level. Young pressed his followers to maintain and enhance their properties. Each “individual plot of ground was viewed as an integral part of the larger concept of ‘sacred space,’ or a piece of Zion.”³⁴

George A. Smith, a church leader who had some familiarity with the design of Philadelphia, proposed the idea of public squares where the community could provide for “the collective needs of the [church members]. . . at different locations in the city.”³⁵ This idea was incorporated into Salt Lake City, the first western Mormon city, and many others that followed.

Smith’s original plat limited a settlement’s population to roughly one thousand families. He thought that once a city grew to this size, another satellite city should be built, and through this method the Mormons would create settlements to “fill up the inland stretches of the North American continent from the Missouri to the Pacific.”³⁶ In principle, Young and other church leaders incorporated that vision, although not necessarily the same population limit. By the end of the nineteenth century—as almost a fulfillment of Smith’s vision—

³¹ Euclidian zoning—at least in principle—separates uses in order to reduce predictable friction among neighbors. See DANIEL P. SELMI & JAMES A. KUSHNER, *LAND USE REGULATION: CASES AND MATERIALS* 68 (1999). The Supreme Court first upheld this sort of zoning, in the landmark case of *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926). Somewhat appropriately, the *Euclid* opinion was written by Justice Sutherland, a Utahn though not a Mormon. Euclidian zoning in application is often taken to what is seen as an unhealthy excess, and in fact, has often been cited as a contributor to urban sprawl. See JAMES HOWARD KUNSTLER, *HOME FROM NOWHERE: REMAKING OUR EVERYDAY WORLD FOR THE TWENTY-FIRST CENTURY* 43 (1996); Francesca Ortiz, *Biodiversity, the City, and Sprawl*, 82 B.U.L. REV. 145, 179 (2002); Nicolas M. Kublicki, *Innovative Solutions to Euclidean Sprawl*, 31 ENVTL. L. REP. 11,001, 11,003 (2001); Rolf Pendall, *Do Land Use Controls Cause Sprawl?*, 26 ENV’T & PLAN. B: PLAN. & DESIGN 555, 563, 568-69 (1999).

³² RICHARD D. POLL ET AL., *UTAH’S HISTORY* 135 (1989).

³³ DOCTRINE AND COVENANTS *supra* note 12, at 82:14.

³⁴ HAMILTON, *supra* note 26, at 23.

³⁵ *Id.* at 26.

³⁶ LEONARD J. ARRINGTON ET AL., *BUILDING THE CITY OF GOD: COMMUNITY AND COOPERATION AMONG THE MORMONS* 5 (University of Illinois Press 2d ed. 1992) (1976).

more than five hundred towns were founded by Mormons and each relying somewhat on the concepts established in the Plat of Zion.³⁷

2. Regional Growth Strategy: Self-Sufficiency

While the Mormons found great satisfaction in first laying down roots in the valley of the Great Salt Lake—hundreds of miles away from any large concentration of those who Mormons believed desired to do them harm—their sense of independence from the outside world was short lived. While the Mormons had achieved spatial isolation, their need for goods almost immediately required them to look outward for provisions. Trading companies responded to demand and quickly found their way to Mormon settlers to do business. While there is little doubt that Mormon consumers appreciated goods, it caused the leadership to worry that excessive business dealings with “outsiders” would distract from the vision of building Zion. The leaders believed that by not spending money within the Mormon economy, those Mormons doing business with trading companies were draining Mormon society of some prosperity.³⁸ In fact, the church leaders viewed self-sufficiency as the key to prosperity.³⁹ Young and other church leaders put forth zealous efforts to persuade the Mormons not to patronize the shops of these traders. For example, Brigham Young pled with the settlers using this high rhetoric:

Let the calicoes be on the shelves and rot. I would rather build buildings every day and burn them down at night, than have traders here communing with our enemies outside and keeping up a hell all the time and raising devils to keep it going. . . . We can have enough hell of our own, without their help. . . . We sincerely hope that the time is not far distant when the people will supply their own wants and manufacture their own supplies; then and not until then will we become independent of our enemies.⁴⁰

The church leaders, when necessary, were willing to intervene in the market and ask church members to look beyond individual benefit derived from a market transaction and rather to give notice to how such decisions might affect the broader Mormon community.⁴¹ Church leaders were committed to inspiring

³⁷ See Rosenvall, *supra* note 7 at 26; HAMILTON, *supra* note 26, at 14.

³⁸ ARRINGTON, *supra* note 18, at 83.

³⁹ HAMILTON, *supra* note 26, at 25.

⁴⁰ ARRINGTON, *supra* note 18, at 196.

⁴¹ While these efforts served quite different purposes, they do have a familiar feel to today's efforts to use purchasing decisions to spur social change, such as community supported agriculture, fair trade, union made, made in the USA, or organic marketing and other green labeling, and shopping locally. In fact, as Utah has considered how to reduce its carbon footprint, one of the strategies identified by Governor Jon Huntsman, Jr.'s Blue Ribbon Advisory Council on Climate Change was for Utah to promote a “Buy Local

followers to rely on Mormon labor, even when inconvenient. For example, when Young came to understand that it was common to send Mormon wheat to non-Mormon mills to grind into flour, he responded:

To send out wheat away for other men to grind and take a toll off, and then send it back to us manufactured into flour, why it is suicidal! . . . You are paying your money to sustain communities afar off while your own people are suffering for want of labor.⁴²

Getting Mormons to stop patronizing businesses ran by those who did not belong to the church was often difficult because the self interest associated with getting cheaper and/or better products often stood in conflict with the broader collective Mormon interest of promoting Mormon labor.⁴³ Not surprisingly, in such cases, church leaders admonished members to build up Zion by relying on Mormon labor even when inconvenient.⁴⁴

While the church participated directly in the market mainly through attempting to persuade Mormons to buy only from Mormons and through establishing Mormon-run cooperatives and to a lesser extent church-owned businesses,⁴⁵ Mormon leaders also used land use and community planning to further this goal. The best example of this is in their efforts to build what became known as the “Mormon Corridor,” a series of Mormon settlements that would dot the trail from Salt Lake City to San Diego.⁴⁶

The corridor, it was thought, would assist Mormons in two ways. Most obviously, establishing a corridor between Salt Lake City and California would at the very least allow Mormons to act as the middlemen traders. Second, it was thought that the diversity of landscape and spatial separation would help the Mormons produce and secure a wide range of goods: environments conducive to particular crops or landscapes endowed with particular minerals. The latter rationale became a driving feature in the determination of Mormon settlements throughout the West.

Mormons worked aggressively to expand the reach of their settlements. The Mormons also sent exploring parties throughout the West to identify places for additional settlements. In 1849, two years after arriving in the Salt Lake Valley, church leaders sent fifty settlers 300 miles south (what is now the Utah/Arizona boarder) to identify settlements.⁴⁷ The expedition took three months, and the party kept a detailed record of topography, vegetation, water, timber, and even

Program.” BLUE RIBBON ADVISORY COUNCIL ON CLIMATE CHANGE, REPORT TO GOVERNOR JON M. HUNTSMAN, JR. VIII-5 (2007).

⁴² JOURNAL OF DISCOURSES, *supra* note 19, at 16:8.

⁴³ See *supra* notes 38-40 and accompanying text.

⁴⁴ See JOURNAL OF DISCOURSES, *supra* note 19, at 19:349.

⁴⁵ JAMES W. LUCAS & WARNER P. WOODWORTH, WORKING TOWARD ZION: PRINCIPLES OF THE UNITED ORDER FOR THE MODERN WORLD 46-50 (1996).

⁴⁶ ARRINGTON, *supra* note 18, at 86.

⁴⁷ *Id.*

favorable locations for forts. It did not take Young long to attempt to colonize virtually every one of the settlement recommendations provided by the exploration party.⁴⁸ The goals relating to building these settlements, and many others to come, mainly revolved around producing specific goods. Young's mantra became, "We can produce them or do without them."⁴⁹ Church leaders asked many of the communities to take advantage of a certain natural resource or produce a certain good or crop—most frequently fruits and vegetables that one would expect to thrive in the arid climate and several others that one would suspect would not do as well (and often did not do as well), such as, cotton, grapes, rice, and sugar cane.⁵⁰ And, some settlements were designed to build up the Mormon Corridor. By 1855—less than a decade after the Mormons determined to settle Salt Lake City—the Mormons had established twenty-seven communities along the route between Salt Lake City and San Diego.⁵¹

3. *Integration of Land Use Policies with Other Community Policies*

The push toward a Zion community often required self sacrifice, or at least a broader awareness of how one's actions affect society. Before the westward migration, Smith preached that Zion is "every man seeking the interest of his neighbor, and doing all this with an eye single to the glory of God."⁵² Young reaffirmed that theme, teaching that in Zion, individuals are instructed to "[work] for the good of the whole more than for individual aggrandizement. . . ."⁵³ To fulfill what Smith and Young seemed to require, church leaders often asked settlers to take into account both collective interests and individual interests.⁵⁴

While this Part has already identified the primary goals of nineteenth-century Mormon planning, the settlers recognized a number of additional benefits of their

⁴⁸ *Id.*

⁴⁹ *Id.* at 223.

⁵⁰ *Id.* at 222.

⁵¹ *Id.*

⁵² DOCTRINE AND COVENANTS, *supra* note 12, at 82:19.

⁵³ JOURNAL OF DISCOURSES, *supra* note 19, at 12:153.

⁵⁴ Of course, asking individuals to put the collective interest ahead of their more narrow self interest is asking a lot. See Garrett Hardin, *The Tragedy of the Commons*, 152 SCI. 1243 (1968). The thrust of such a request also seems to get to the heart of Christian theology: loving your neighbor as yourself. See Matthew 22:37. While the efforts of the settlers certainly reflect a momentous attempt to live up to this standard, it is quite easy to anticipate the difficulties of delivering on such a request. See KARI BULLOCK AND JOHN BADEN, *COMMUNES AND THE LOGIC OF THE COMMONS* 1977 ("One of the most successful institutions in the world today is the Mormon church. This organization has experimented with various institutional designs. Through a gradual process of testing, modification, abandonment, and change, the church has evolved to its present form. One of the earliest Mormon efforts was the development of a communal organization in Jackson County, Missouri, during the years 1831 to 1834. This effort, like many others throughout America at that time, was destined to fail. The logic of common pool resources will be useful in understanding the reasons for this failure.").

community designs. For example, the relatively compact settlements envisioned by the Plat of Zion enhanced community life. As Smith explained:

The farmer and his family, therefore, will enjoy all the advantages of schools, public lectures and other meetings. His home will no longer be isolated, and his family denied the benefits of society, which has been, and always will be, the great educator of the human race; but they will enjoy the same privileges of society, and can surround their homes with the same intellectual life, the same social refinement as will be found in the home of the merchant or banker or professional man.⁵⁵

This somewhat urban design also served as an investment in Mormon settlers' cultural and intellectual lives. It is no accident that even the earliest Mormon communities had cultural amenities that were anomalous for settlements deep within the American Frontier: theater, orchestras, bands, and, of course, the Tabernacle Choir.⁵⁶ Additionally, Mormon society attempted to foster education and appreciation of literature, science, and the arts.⁵⁷

The more compact community design helped spur civic involvement. While the church did not welcome aggressive political dissent, it did encourage the settlers to invest by mobilizing to better the community. Young encouraged settlers to pursue avenues to improve the Mormon settlements as they saw fit:

Let every man and woman be industrious, prudent, and economical in their acts and feelings, and while gathering to themselves, let each one strive to identify his or her interests of this community, with those of their neighbor and neighborhood, let them seek their happiness and welfare in that of all, and we will be blessed and prospered.⁵⁸

And, settlers in fact did this in significant ways. For example, communities cooperated to improve their drinking water, create parks, and clean and light up streets.⁵⁹ Community lobbying resulted in Salt Lake City creating parks and designating canyons as "bird sanctuaries sacred to the life and growth of birds of all species for all time."⁶⁰

Mormon urban design provided settlers some protection from harassment from those who might do them harm in the rugged Western Frontier. The Mormons' primary concern related to attacks from Native Americans—who the Mormons often displaced with their settlement efforts; however, the design also

⁵⁵ B.H. ROBERTS, COMPREHENSIVE HISTORY OF THE CHURCH 1:312 (1930).

⁵⁶ LINDA SILLITOE, WELCOMING THE WORLD: THE HISTORY OF SALT LAKE COUNTY 29-31 (1996); Galli, *supra* note 30, at 120.

⁵⁷ THOMAS G. ALEXANDER & JAMES B. ALLEN, MORMONS & GENTILES: A HISTORY OF SALT LAKE CITY 80-81 (1984).

⁵⁸ JOURNAL OF DISCOURSES, *supra* note 19, at 13:155.

⁵⁹ ALEXANDER & ALLEN, *supra* note 57, at 174-75; Galli, *supra* note 30, at 125.

⁶⁰ ALEXANDER & ALLEN, *supra* note 57, at 176.

shielded them any other hostile parties.⁶¹ Additionally, Mormons attempted to defend themselves by building forts within a day's travel of each other.⁶² These investments in defense also facilitated travel and trade by providing Mormons a safe resting place after each day's travel before nightfall.

To at least some extent, Mormon planning attempted to integrate land use planning with transportation planning. For example, the plat of Zion called for very wide streets for the time (132 feet) which helped accommodate transportation and delivery of produce and other items of commerce with very little hassle with horse-drawn carriages or the oxen carts often used in agrarian settlements because these streets were wide enough to allow for these carriages and carts to turn around without backing up.⁶³ At a more global scale, as mentioned previously, the church established settlements to secure strategic advantage along trade routes, particularly along the Mormon Corridor.⁶⁴ Finally, once the church saw that a transcontinental railroad was inevitable, it transferred its energies from the building of the Salt Lake Temple to assist in finishing the rail, which allowed future emigrants to come by train and would assist in transporting materials needed for the temple.⁶⁵

B. Cooperation and Interdependence

The vision of Zion promoted by church leaders required the cooperation and work of believers to build settlements, grow crops, and beautify Zion. In the arid West, church members banded together.⁶⁶ Whether one were to compare them to an army of ants, as Wallace Stegner did,⁶⁷ a military,⁶⁸ or bees in a hive, as on Utah State seal,⁶⁹ the point is the same: Mormons worked together to bring about their shared vision. In a time where the West is often symbolized by the independent cowboy, the hard-nosed land speculator, or the rugged gold miner, the symbols evoked to describe Mormons stand in stark contrast.⁷⁰

⁶¹ NELSON, *supra* note 9, at 44.

⁶² *Id.*

⁶³ ARRINGTON, *supra* note 18, at 45.

⁶⁴ *See* Part II.A.2.

⁶⁵ ARRINGTON, *supra* note 18, at 236.

⁶⁶ Some have gone so far as to claim that mere survival of Mormons during their first years in the desert came through "central planning and collective labor." *Id.* at 45.

⁶⁷ WALLACE STEGNER, *THE GATHERING OF ZION* 196 (1971).

⁶⁸ ARRINGTON, *supra* note 18, at 89.

⁶⁹ When Utah was granted statehood at the close of the nineteenth century, the symbol chosen for the seal of the state included a beehive accompanied by the single word: "industry." *See* Public Pioneer, *Utah Symbols – State Motto and Emblem*, http://pioneer.utah.gov/utah_on_the_web/utah_symbols/motto.html (last visited Apr. 9, 2008).

⁷⁰ I am not suggesting that Mormons were unique in cooperating, just that this was an ideal of the culture. Cooperation was often necessary for survival of Mormons and their counterparts particularly in the West. FRIEDMAN, *supra* note 8, at 370 ("The land encouraged courage; yet curiously it also fostered dependency. . . . What traveled west,

Even before the Mormon settlers set foot in the Great Basin, they had been galvanized into a cohesive, cooperative community. The teaching of church leaders sought to inspire cooperation of believers. Joseph Smith taught them that the idea of Zion required believers to be “of one heart and one mind;”⁷¹ in what he purported to be revelation, Smith told the settlers that God in fact commanded cooperation: “[B]e one; and if you are not one, ye are not [God’s].”⁷²

Certainly, the shared experience before coming to the West had also created social capital and mutual appreciation. In addition to the settlements that they had banded together to build in Ohio, Missouri, and Illinois, they had suffered together at the hands of mobs in each of these places, and employed systematic cooperation along the trek from Illinois to Utah, including building a temporary settlement for refuge during the winter of 1846-47.⁷³

On the cusp of the first Mormon settlers ending their migration to the Rocky Mountains, these settlers cooperated to erect the foundation of needed infrastructure, such as canals, roads, fences, public buildings, and later mills and the infrastructure needed for industry.⁷⁴ Cooperation did not end once the foundations of a settlement were laid. Mormons commonly practiced collective farming and other shared labor; they often were involved in the on-going building of public or church (which for the settlers were one and the same) infrastructure. For example, it took sacrifice from nearly every Mormon in the area and more than forty years to complete the Salt Lake City temple.⁷⁵ Moreover, Mormon participation in the market often came in the form of cooperatives and shared labor.⁷⁶

Additionally, while new settlers represented a large portion of the population of new settlements,⁷⁷ some settlers were asked by church leaders to uproot

more important that form, was general legal culture, the general ways of thinking about the law. This included a notion quite the antithesis of primitive democracy. The notion was: organize or die; and it was the theme of American law, East and West, in the last half of the 19th century, in every arena of life.”)

⁷¹ *Moses 7:21*, in PEARL OF GREAT PRICE (1985).

⁷² DOCTRINE AND COVENANTS, *supra* note 12, at 38:24.

⁷³ *See generally* STEGNER, *supra* note 67. In general terms, social scientists have well documented that cooperation is much easier to achieve in tight-knit and/or homogeneous societies. *See* ARUN AGRAWAL, GREENER PASTURES: POLITICS, MARKETS, AND COMMUNITY AMONG A MIGRANT PASTORAL PEOPLE 59-60 (1999); JEAN-MARIE BALAND & JEAN-PHILIPPE PLATTEAU, HALTING DEGRADATION OF NATURAL RESOURCES: IS THERE A ROLE FOR RURAL COMMUNITIES?, 302 (1996); ROBERT WADE, VILLAGE REPUBLICS: ECONOMIC CONDITIONS FOR COLLECTIVE ACTION IN SOUTH INDIA 189-90 (1988); RUSSELL HARDIN, COLLECTIVE ACTION 38-49 (1982).

⁷⁴ ARRINGTON, *supra* note 18, at 54-55.

⁷⁵ The Church of Jesus Christ of Latter-day Saints, <http://www.lds.org/temples/main/0,11204,1912-1-40-1,00.html> (last visited Oct. 17, 2007).

⁷⁶ *See* ARRINGTON, *supra* note 18, at 86 and accompanying text.

⁷⁷ HAMILTON, *supra* note 26, at 30 (stating that “[a]s new companies of Mormon pioneers entered Salt Lake City, Young often sent them to other settlements or to establish new ones.”).

repeatedly from stable settlements and help with the establishment of new settlements.⁷⁸ The church tried to match the challenges facing each new settlement with people that had the necessary skills.⁷⁹ While not all such requests were joyously received, most members did as they were asked, even when it proved difficult. Consider a couple of colorful examples:

John D. Lee, called to leave Salt Lake Valley with the Iron Mission, told Brigham Young: "The whole idea is repugnant to me! If I could pay as much as two thousand dollars in money or goods, if I could furnish and fit out a family to take my place, I would rather do it than go." But he went, and he moved many times thereafter. Elijah Averett told how his father came home after a hard day in the fields to learn that he had been called to Utah's "Dixie." He dropped in his chair and said: "I'll be damned if I'll go!" After sitting a few minutes with his head in hands, he stood up, stretched, and said, "Well, if we are going to Dixie, we had better start to get ready."⁸⁰

The vision of the church, accompanied by the cooperation of its members, produced what seems aptly labeled "the most impressive colonizing program in the history of the American West."⁸¹

The environment of the Great Basin augmented the Mormons' desire to cooperate by making it almost a necessity of survival of the community. For example, Mormons relied on and encouraged cooperative farming, which helped maximize the use of water, often a very scarce resource.⁸² "The survival and growth of each community obviously depended upon the maximum use of available land and water resources, and therefore speculative withholding of land from use was prohibited by common consent."⁸³ The common pasturing and farms encouraged community investment in infrastructure, particularly in common fences.⁸⁴ These villages "had been experimented with in Ohio, Missouri, and Illinois, and it proved to be particularly well adapted to the arid Great Basin."⁸⁵

⁷⁸ See POLLE ET AL., *supra* note 32, at 136.

⁷⁹ *Id.* at 135 (detailing the exactness used to determine the colonizers that would be asked to grow cotton—in the desert!—a task that was thought to require a population with a diverse set of skills).

⁸⁰ *Id.* at 136.

⁸¹ *Id.* at 133.

⁸² While the Mormons did much to change the face of natural resources law, particularly water law, it could be argued that the landscape itself demanded such changes. See, e.g., FRIEDMAN, *supra* note 8, at 365.

⁸³ ARRINGTON, *supra* note 18, at 90.

⁸⁴ See NELSON, *supra* note 9, at 181.

⁸⁵ *Id.* at 44.

C. Stewardship

Nineteenth-century Mormons believed that everything they had represented a gift of God and that they should treat everything that they had as a stewardship from God. This meant that Mormons believed God would hold them accountable for how they used that which God had given to them. Smith preached to his followers that God had “built the earth” and that “all things therein” belong to God.⁸⁶ However, God had given His children the Earth and on this basis God would “make every man accountable, as a steward over earthly blessings.”⁸⁷ Mormons conceived their stewardships in very broad terms, including one’s time, talents, relations, property, and influence. This article, however, examines only those elements of stewardship most relevant to Mormon community-building: stewardships over private property and over community property.

1. Individual Stewardships

Typically, when Mormon settlers arrived in the West, they had few—if any—possessions of much worth. Generally speaking, they had left all that their wagons could not carry, many had devoted much of what they had to building past settlements and temples, and some had watched what little they had be destroyed or taken by mobs in Missouri and Illinois.⁸⁸ Because they did not arrive with much, the vast majority of an individual’s stewardship over physical property initially came in the form of land, something abundant in the frontier of the Interior West. Land was commonly “given” from the church to its members.⁸⁹ According to Mormon custom, each piece of property was treated as a “piece of Zion.”⁹⁰

Despite the poverty commonly found among these settlers, the idea of stewardship was not taken lightly. For example, the church asked each member to deed all of his or her property, both real and personal, to the bishop of the church. The bishop would then grant an “inheritance” or “stewardship” to every family out of the properties so received, the amount depending on the wants and the needs of the family, as determined jointly by the bishop and the prospective steward. It was expected that in some cases the items deeded to the bishop would exceed the stewardships returned to the church members. Out of the “surplus,” the bishop would grant stewardships to the poorer and younger members of the church.⁹¹ This treatment of possessions made the line between spiritual and temporal even thinner.⁹²

⁸⁶ DOCTRINE AND COVENANTS, *supra* note 12, at 104:14.

⁸⁷ *Id.* at 104:13.

⁸⁸ *See* POLL ET AL., *supra* note 32, at 93.

⁸⁹ LUCAS & WOODWORTH, *supra* note 45, at 92.

⁹⁰ HAMILTON, *supra* note 26, at 23.

⁹¹ *Id.* at 15. *See also* DOCTRINE AND COVENANTS, *supra* note 12, at 42:32 (“And it shall come to pass, that after they are laid before the bishop of my church, and after that he has received these testimonies concerning the consecration of the properties of my church,

While all goods were deemed God's, land—being one of few abundant resources—was particularly important. The federal government did not begin to distribute land to Mormon settlers until years after the arrival of the Mormons to the Salt Lake Valley. This did not, however, stop the church from attempting to distribute the land itself. The day after Young came to the Salt Lake Valley, he announced: “No man should buy or sell land. Every man should have his land measured off to him for city and farming purposes, what he could till. He might till it as he pleased, but he should be industrious and take care of it.”⁹³ The church distribution of land basically became de facto law wherever Mormon settlements sprung up for the next several decades. In significant ways, the church members' compliance with the church's assertion over real property gave the church a great leg up in its efforts to build settlements as it saw fit.

As the church distributed land, it attempted to balance individual preferences with what was couched as Zion's welfare in several ways. First, land speculation was discouraged, and at times not permitted as a per se violation of one's stewardship: “[N]o man should hold more land than he could cultivate; and if a man would not till his land, it should be taken from him.”⁹⁴ Land speculation had proved problematic in other Mormon settlements in the east, particularly Ohio, where those who arrived first attempted to profit at the expense of settlers who arrived subsequently.⁹⁵ Second, land was generally distributed in a manner that put a premium on equity. Often church leaders assigned parcels by drawing of lots.⁹⁶ Properties were often reserved for those who would subsequently arrive, allowing them to enter “the community on the same terms as the original settlers.”⁹⁷ Third, the church would redistribute land if it was not put to productive use. This redistribution largely relied on an honor system (not infrequently pushed

that they cannot be taken from the church, agreeable to my commandments, every man shall be made accountable unto me, a steward over his own property, or that which he has received by consecration, as much as is sufficient for himself and family.”).

⁹² ARRINGTON, *supra* note 18, at 5 (“Preaching and production, work and worship, contemplation and cultivation—all were indispensable in the realization of the Kingdom.”).

⁹³ FIRMAGE & MANGRUM, *supra* note 8, at 294.

⁹⁴ *Id.* at 295-94. This notion was applied to other resources. While the Mormon Church's influence over resource distribution has not been in force for more than a century, remnants of this policy are still seen in western water law. One of the bedrock principles of prior appropriations system is this notion of use it or lose it. *See, e.g.*, ARIZ. REV. STAT. ANN. § 45-141(c) (2006) (“[W]hen the owner of a right to the use of water ceases or fails to use the water appropriated for five successive years, the right to the use shall cease....”); IDAHO CODE ANN. § 42-104 (2006) (“[W]hen the appropriator or his successor in interest ceases to use it for such purpose, the right ceases.”); Steven J. Shupe, *Waste in Western Water Law: A Blueprint for Change*, 61 OR. L. REV. 483, 499 (1982).

⁹⁵ *See* FIRMAGE & MANGRUM, *supra* note 8, at 294.

⁹⁶ *See* ARRINGTON, *supra* note 18, at 45.

⁹⁷ *Id.* at 90.

to its outer limits),⁹⁸ where settlers returned unused land to the church. At a high-water mark of church power, some church leaders even confiscated land to redistribute.⁹⁹

2. Public Stewardships

Individual actions were also seen affecting a broader stewardship. Young counseled, "Keep your valley pure, keep your towns as pure as you can, keep your hearts pure[.]"¹⁰⁰ To the extent that the church had power over natural resources (great when the Mormons arrived in 1847 and waning as the nineteenth century progressed), the church sought to treat these as part of the members' stewardships. Even before the settlers arrived in the Salt Lake Valley, Young tried to teach his followers "not to kill. . . buffalo or other game until the meat was needed."¹⁰¹ Similarly, Smith had convinced followers not to kill snakes found within a campsite.¹⁰² Just as the church had attempted to control the distribution of land in a largely equitable fashion,¹⁰³ the same is true of both allocation of timber and surface water: "There shall be no private ownership of the streams that come out of the canyons, nor the timber that grows on the hills. These belong to the people: all the people."¹⁰⁴

The church often allocated irrigation rights to groups of settlers, which were overseen by bishops to ensure the equitable distribution of water; in fact, ditches often served as demarcation of congregation boundaries.¹⁰⁵ The Utah Territorial Legislature, at the time largely an arm of the church, passed a regulation prohibiting the harvest of green timber.¹⁰⁶ To some extent, the church even advocated resource protection: "The soil, the air, the water are all pure and healthy. Do not suffer them to become polluted with wickedness."¹⁰⁷ Church leaders were clear in staking out the position that "[i]t is not our privilege to waste the Lord's substance."¹⁰⁸

⁹⁸ ARRINGTON ET AL., *supra* note 36, at 35.

⁹⁹ As Mormon settlements became more interconnected with the United States, due largely to the completion of a transcontinental railroad, much of the church's power to curb speculation and redistribute land ended, and even the symbolic deeding of property sputtered out and eventually ceased. ARRINGTON ET AL., *supra* note 36, at 153.

¹⁰⁰ JOURNAL OF DISCOURSES, *supra* note 19, at 8:80.

¹⁰¹ HUGH NIBLEY, BROTHER BRIGHAM CHALLENGES THE SAINTS 40 (1994).

¹⁰² See ROBERTS, *supra* note 56, at 2:71-72.

¹⁰³ See Part II.

¹⁰⁴ See ROBERTS, *supra* note 56, at 3:269.

¹⁰⁵ ARRINGTON ET AL., *supra* note 36, at 51.

¹⁰⁶ D. Michael Stewart, *The Legal History of Utah*, in UTAH HISTORY ENCYCLOPEDIA 322, 323 (Allan Kent Powell ed., 1994).

¹⁰⁷ JOURNAL OF DISCOURSES, *supra* note 19, at 8:79.

¹⁰⁸ *Id.* at 11:136.

The efforts in building the community reflected an acknowledgement of the importance of improving society and looking out for the interests of those who would inhabit these communities in the future. This explains the emphasis on building societal, cultural and educational amenities in budding Mormon settlements.¹⁰⁹ This ethic is seen in the common practice of leaving vacant lots so that newcomers could enter with the same benefit as the original settlers; the same can be said of the discouragement of land speculation.¹¹⁰ The sacrifices of the community in building community and religious infrastructure while themselves living in the most modest of circumstances speaks volumes not only of the power of church leaders but also of the importance settlers placed on seeing the community vision of Zion come about.

D. Integration and Care of the Poor

Nineteenth-century Mormon settlers believed that in the ideal of Zion, poverty would disappear.¹¹¹ While the Mormons did not abound with wealth, they used their modest means to fight poverty primarily in two ways. First, the poor benefited from community welfare programs. When a church member had wealth in excess of his or her needs, this was sometimes redistributed to the poor.¹¹² Under the law of stewardship, if a settler used more property than needed, it was essentially thought of as stealing from God and the poor.¹¹³ The Mormons also set up a revolving loan program called the “Perpetual Emigration Fund” that gave converts to the church, particularly those in Europe, money necessary to migrate to Zion. This program assisted tens of thousands of immigrants during the nineteenth century.¹¹⁴ Second, the church tried to assist the poor by integrating them into the larger Mormon society. While both types of assistance certainly benefited the poor, this article focuses on the latter.

For nineteenth-century Mormons, assisting the poor at least in part meant integrating the poor into society and providing inroads that would allow for meaningful participation in the economy.¹¹⁵ The poorest of the poor were often those who had most recently arrived. This was particularly the case once the church made the Perpetual Emigration Fund available, making the migration possible to those who before could not make it on their own means.¹¹⁶ Through community building and land use policies, the community integrated the poor into society.

¹⁰⁹ See *supra* notes 56-60 & 74-75 and accompanying text.

¹¹⁰ See *supra* notes 93-99 and accompanying text.

¹¹¹ PEARL OF GREAT PRICE, *supra* note 71, at Moses 7:18.

¹¹² Excess was used “to administer to those who have not” and for “building houses of worship.” DOCTRINE AND COVENANTS, *supra* note 12, 42:33, 35.

¹¹³ See NIBLEY, *supra* note 11, at 50.

¹¹⁴ See ARRINGTON, *supra* note 18, at 79.

¹¹⁵ See LUCAS & WOODWORTH, *supra* note 45, at 93.

¹¹⁶ See ARRINGTON, *supra* note 18, at 99-108.

One of the key strategies used by the Mormons was to distribute the newest emigrants widely throughout society. This was often done by church leaders identifying a broad range of existing settlements where newcomers would settle. As mentioned earlier, when settlements were established, some lots were left vacant to allow new settlers to move into a community on equal footing with prior settlers in that community.¹¹⁷ In this way, entire settlements would share the pain of integrating newcomers. A second strategy was to incorporate new settlers into a party founding a new settlement. These parties included people with a broad range of skills, which the church had deemed necessary to fulfill its proscribed purpose to found a particular settlement. As mentioned, in each of these settlements the Plat of Zion was used to determine the community's spatial layout, and land parcels were distributed most frequently on a lottery system. Thus, there were really no slums in nineteenth-century Mormon settlements. People were mixed in society in a way that allowed most people the opportunity to build up the skills necessary to participate fairly self-sufficiently.¹¹⁸

II. FROM THEOCRATS TO SUBURBANITES

Not surprisingly, from the time the Mormons established settlements in the Interior West until today, the places settled by the Mormons have changed remarkably. What once were isolated enclaves well within the American Frontier are now suburban/metropolitan communities interconnected with the country's interstate highways and railroads. Whereas the federal government was notably absent in 1847, over time it asserted more control over the region. For example, in 1869, the federal government opened a land office and began issuing settlers rights to land, which even among its members undermined the Mormon Church's legitimacy to control property allocation and strictly oversee land use.¹¹⁹ Furthermore, the coming of the railroads made the Interior West much more accessible, less isolated, and more religiously diverse. State and local governments and society as a whole became increasingly less reliant on—and oftentimes less welcoming of—influence of the Mormon Church.

As the church's influence waned in the nineteenth century, the church also faced significant problems as an institution. Of course, even from the beginning, the challenge proved immense. For example, getting Mormons to stop patronizing people outside of the church proved difficult.¹²⁰ However, as more and more settlers arrived who had no connection with the Mormon Church, it became increasingly untenable to run government as a theocracy.

Additionally, the Mormon Church came under significant pressure due to its practice of polygamy. Most of this came from pressure from the federal government. The metaphorical shot across the bow occurred in 1856, when the

¹¹⁷ See *id.* at 90; see also ARRINGTON ET AL., *supra* note 36, at 46.

¹¹⁸ See JOURNAL OF DISCOURSES, *supra* note 19, at 18:353.

¹¹⁹ See ARRINGTON, *supra* note 18, at 45.

¹²⁰ See *supra* notes 41-44 and accompanying text.

Republican Party included in its platform an attack on polygamy, grouping it with slavery as one of the “twin relics of barbarism.”¹²¹ The high water mark of this pressure came in 1887, when Congress passed the Edmonds-Tucker Act banning polygamy.¹²² With the passage of this Act, church leaders faced threats of prosecution and even actual imprisonments. In attempting to deal with this pressure, the church took on significant political and legal battles, which entailed significant financial commitments.¹²³ With the church’s ability to control Mormon members waning, some of its investments in infrastructure began to sour somewhat.¹²⁴ With the church on the verge of bankruptcy and Utah’s statehood contingent on Mormon compliance with the Edmonds-Tucker Act, the church officially condemned the practice of polygamy.¹²⁵

With the Mormon Church’s influence in decline, much of the control the church once exerted over community building fell out of the hands of church leaders and back into the invisible hand of the private market. Slowly, this *laissez faire* approach was slowly supplemented with limited local government regulation.

At the close of the nineteenth century, Mormon Church leaders witnessed migration from the established villages. While the allure of land for the taking proved too much for the church to fight, it did not stop the church from trying. Wilford Woodruff begged church members to continue to retain settlement patterns based on the Plat of Zion:

We hear that a good many of our young men are leaving this valley ... to secure for themselves large tracts of land ... in places remote from their own homes. ... We have been called to gather, not to scatter; we have been called by the Lord to build up Zion[,] ... not to spread out all over creation and become so thin and weak that there is no strength or power with us. ...

We should concentrate ourselves and combine our efforts, and not look to the ends of the earth and see how much is going to waste that we are missing. ...

[T]here are a great many people who seem to have the idea in earnest, and because there are large tracts of land which they hear in remote valleys they are anxious to strike out and take possession for fear that somebody else will get them. This is not wise. Let us be governed by wisdom in our movements. That is the way to build up Zion. ... We can

¹²¹ RICHARD S. VAN WAGONER, *MORMON POLYGAMY: A HISTORY* 86 (2d ed. 1989).

¹²² Edmonds-Tucker Act, ch. 397 17, 24 Stat. 635, 638 (1887) (repealed 1978).

¹²³ See THOMAS G. ALEXANDER, *THINGS IN HEAVEN AND EARTH: THE LIFE AND TIMES OF WILFORD WOODRUFF, A MORMON PROPHET* 261-65 (1991); see also ARRINGTON, *supra* note 18, at 378.

¹²⁴ ARRINGTON, *supra* note 18, at 384-86.

¹²⁵ DOCTRINE AND COVENANTS, *supra* note 12, at Declaration 1.

grow fast enough right along here in these valleys which are already occupied, by making use of the facilities within our reach.¹²⁶

In large measure, these pleas went unanswered: many people sold their "land of inheritance." As time rolled on, the land use patterns established by the church began to dissolve as suburbs began cropping up around these settlements: little distinguished this first phase of suburbanization from the land use patterns commonly found encircling many older urban cores.¹²⁷ In this way, these Mormon settlements became increasingly similar to communities all over the country: dominated primarily by sprawling growth and built with very little consideration of how this impacted land use at the regional level.

The Mormon Church, in turn, came to occupy a much more traditional role as a religious institution. It only rarely directly entered into the public debate and even then, carefully and generally only when political issues directly affected its evangelic mission, its property holdings, or its core political interests.¹²⁸

The coming of the intercontinental railroad was followed by the development of rail along the Wasatch Front.¹²⁹ A regional rail spur from Salt Lake City to Ogden was completed by the Utah Central Railroad in 1870, and the last spike had engraved on it the words inscribed on nearly every significant church edifice: "Holiness to the Lord."¹³⁰ By 1920, the Wasatch Front had regional rail that extended as far north as Ogden and as far south as Payson (separated by approximately one hundred miles), Salt Lake City had 150 miles of track, and Logan, Provo, and Ogden had smaller streetcar systems.¹³¹ Like many other places around the country at this time, the development of rail facilitated the development of "street car suburbs," increasing the movement outside of historical settlements.¹³² During the 1920s, "trackless trolleys" and gasoline-powered buses came on to the scene and proved enormously successful.¹³³ By the end of the 1920s, many dirt roads were replaced with asphalt to accommodate buses and automobile traffic.¹³⁴ This in turn pushed new development further and

¹²⁶ 1 COLLECTED DISCOURSES 246-47 (George Q. Cannon ed. 1987).

¹²⁷ See JOHN S. MCCORMICK, *THE GATHERING PLACE: AN ILLUSTRATED HISTORY OF SALT LAKE CITY* 93 (2000).

¹²⁸ This is not to say that the Mormon Church abandoned the principles outlined above, but rather, that the church did not attempt to pursue these values by building and maintaining settlements.

¹²⁹ The Wasatch Front includes Box Elder, Davis, Juab, Morgan, Salt Lake, Summit, Tooele, Utah, Wasatch, and Weber counties.

¹³⁰ ALEXANDER & ALLEN, *supra* note 57, at 72.

¹³¹ MCCORMICK, *supra* note 128, at 92-93; Galli, *supra* note 30, at 117-18; C. W. McCullough, *The Passing of the Street Car*, 24 UTAH HIST. Q. 123 (1956).

¹³² For a classic discussion of the growth of streetcar suburbs, see SAM BASS WARNER, JR., *STREETCAR SUBURBS: THE PROCESS OF GROWTH IN BOSTON, 1870-1900* 53 (2nd ed. 1978).

¹³³ See Galli, *supra* note 30, at 117.

¹³⁴ *Id.*

further from the historic urban cores. Automobiles fully outmoded the trolley system: in 1941, Salt Lake City's last trolley street car was decommissioned and the Wasatch Front's regional rail system stopped operating.¹³⁵ In the 1950s, construction commenced on two major interstates through the heart of the Wasatch Front, I-80 and I-15; as was the case all over the country, the interstate freeway system continued to fuel growth in the suburbs.¹³⁶ Building roads and building suburbs fed off each other, each nudging the other on throughout the twentieth century.¹³⁷

During this period, suburbanization melded many Mormon settlements into each other. Additionally, new incorporated cities cropped up in order to allow citizens neighboring a development with a significant commercial tax base to reap the benefit of having such neighbors.¹³⁸ As city boundaries began to seem more and more meaningless, it became increasingly difficult for local governments to govern local land use without neighboring jurisdictions posing a threat to undercut progress by pursuing contrary goals, or in some instances goals specifically designed to free ride off the sacrifices made by neighboring jurisdictions.¹³⁹

Additionally, as was common across the country, cities began using zoning power not only to segregate land uses (e.g., residential, commercial, and industrial) but also to segregate residential areas by factors highly correlated with income: lot sizes, barring multifamily units, and requiring particular amenities on housing units. Commonly, certain suburbs housed the affluent and other areas (particularly urban cores and inner ring suburbs) housed those with less means.¹⁴⁰ The consequence of all this was that as the twentieth century came to a close, growth patterns in the historic Mormon settlements in substantial part resembled

¹³⁵ McCullough, *supra* note 131, at 123.

¹³⁶ U.S. GEN. ACCOUNTING OFFICE, COMMUNITY DEVELOPMENT: EXTENT OF FEDERAL INFLUENCE ON "URBAN SPRAWL" IS UNCLEAR 41 (1999); PETER KATZ, THE NEW URBANISM: TOWARD AN ARCHITECTURE OF COMMUNITY xii (1993).

¹³⁷ See Robert Cervero, *Road Expansion, Urban Growth, and Induced Travel: a Path Analysis*, 69 J. AM. PLANNING ASSOC. 145 (2003) (discussing the mutually reinforcing feedback between roads and suburban development).

¹³⁸ See Laura Hancock, *S.L. County Debates Annexation Rules*, DESERET NEWS, July 16, 2001, at B3 (discussing financial incentives for annexation); Phil Miller, *Wall-to-Wall Cities Proposal in S.L. County Isn't Dead*, SALT LAKE TRIB., Mar. 9, 1999, at B2 (discussing problems posed to unincorporated areas due to annexation of those areas with high tax bases).

¹³⁹ See Heather May, *Wasatch Front Cities Spar Over Beck St. Open Space*, SALT LAKE TRIB., Dec. 14, 2004, at C2 (discussing tension between conflicting visions of how to utilize land at municipalities' shared boarder); Kristen Moulton, *Farmington Residents Gather To Oppose Gravel Scoop Plan*, SALT LAKE TRIB., Sept. 7, 2001, at C10 (exploring Farmington citizens' resistance to a mining operation designed to facilitate a major highway proposal that would serve much of Davis County). For a more general discussion of free riding, see MANCUR OLSON, THE LOGIC OF COLLECTIVE ACTION 27 (1965).

¹⁴⁰ See WILLIAM JULIUS WILSON, THE TRULY DISADVANTAGED: THE INNER CITY, THE UNDERCLASS, AND PUBLIC POLICY 41, 56 (1987); Paul A. Jargowsky, *Metropolitan Restructuring and Urban Policy*, 8 STAN. L. & POL'Y REV. 47, 48 (1997).

those across the United States.¹⁴¹ In 1997, the year that marked the sesquicentennial of the coming of the Mormons to the valley of the Great Salt Lake, then-Utah Governor Mike Leavitt stated:

This year marks the 150th anniversary of the first party of pioneers entering the Salt Lake Valley. On their second morning in the valley, ten settlers rode to the foot of a dome-shaped peak just behind where the Capitol is today. With field glasses they surveyed the valley. ...

On Saturday last, I left the Capitol and hiked to that same peak, now known as Ensign Peak. One still sees the glimmering lake, and the streams that flow. Valleys, then barren, are now very much alive.

From that same peak, there now winds a black ribbon of asphalt from every direction, automobiles carrying people into a stream of vitality that now is the state of Utah. ...

As I stood, gazing down into the Salt Lake Valley, I felt I had a clearer view of our greatest challenge and opportunity: growth.¹⁴²

Growth does pose a significant challenge. Part of the problems Utah faces are the direct result of choices already made. Of course, the way future growth occurs will dramatically affect the area's future economy and quality of life. The fact that many choices lay ahead underscores the importance of making thoughtful decisions rather allowing inertia to dictate the world we will inherit. The next Part examines the type of growth the Interior West might expect if it allows inertia to choose for it.

III. THE CHALLENGE POSED BY URBAN SPRAWL

While the contention that sprawl growth is the dominant form of urban and suburban growth is not really in dispute, it is certainly fair to question whether or not this is a problem and if so, to what extent. This Part briefly discusses the dominant rationales for defending sprawl growth and the reasons that many treat sprawl as a serious environmental and social problem.

When viewing urban development at the micro level, sprawl might not look so bad. On one level, sprawl is nothing more than homeowners being lured to the

¹⁴¹ JOHN H. FINDLAY, *MAGIC LANDS: WESTERN CITYSCAPES AND AMERICAN CULTURE* 28-32 (1992) (referencing national trend in growth patterns similar to that described here for the Greater Wasatch).

¹⁴² Michael O. Leavitt, Governor, State of Utah, *A Clearer View to the Next Century: Second Inaugural Address* (Jan. 6, 1997), *available at* http://www.utah.gov/governor/leavitt/speech/speech_010697.html (last accessed Jan. 16, 2008).

outskirts of the urban fringe by the rural amenities.¹⁴³ In fact, despite the prevalence of sprawl, Americans generally like their own neighborhoods.¹⁴⁴ Additionally, zoned sprawl growth often excludes multifamily homes from many residential neighborhoods and often includes relatively large lot sizes, and, in fact, many people oppose mixing single-family homes and higher densities within their own neighborhoods.¹⁴⁵ While these generalizations would not go unchallenged within the sprawl debate,¹⁴⁶ certainly there is little doubt that at least on some level many Americans oppose living in or near higher density housing than that already present within their neighborhoods.¹⁴⁷

While certainly there is a substantial theme in the sprawl literature that sprawl is tacky or ugly, this does not explain the primary reason many oppose sprawl. Rather than aesthetics, the most substantial reasons relate to how sprawl affects the costs of public services, the environment, and society more generally.

In 1974, three federal government agencies released a report titled *The Cost of Sprawl*.¹⁴⁸ The report detailed the effects of sprawl and found that “sprawl is the most expensive form of residential development in terms of economic costs, environmental costs, natural resource consumption, and many types of personal costs.”¹⁴⁹ Since the release of that report, a rich body of literature has emerged that has attempted to verify and quantify many of the claims made in this report. Within this literature, several themes emerge regarding the costs of sprawl: sprawl increases the costs of government services and infrastructure; sprawl takes a toll on the environment; sprawl hurts the general public; and sprawl harms the poor. This Part addresses each of these themes in turn.

¹⁴³ This is something that has been recognized for a long time. See WARNER, *supra* note 132, at 53.

¹⁴⁴ See NATIONAL ASSOCIATION OF HOME BUILDERS, SMART GROWTH: BUILDING BETTER PLACES TO LIVE, WORK AND PLAY 14 (2000), available at http://www.nahb.org/fileUpload_details.aspx?contentTypeID=7&contentID=192 (surveying 2,000 randomly selected households and finding that 89% of those responding said they were very or somewhat “satisfied with the quality of life in [their] own neighborhoods” and that 85% of respondents preferred single-family detached houses to other housing options).

¹⁴⁵ See *id.* at 15 (finding that survey respondents opposed to having single-family homes in higher densities—77%, townhouses—54%, and apartments—78%—built in their own neighborhoods.).

¹⁴⁶ See, e.g., WILLIAM FULTON & PETER CALTHORPE, THE REGIONAL CITY 126 (2001) (“When average citizens are allowed to understand the aggregate effects of differing forms of development, they have a dramatically different reaction to the politics of growth than when confronting it project by project.”).

¹⁴⁷ See NATIONAL ASSOCIATION OF HOME BUILDERS, *supra* note 144 at 15. See also Peter Gordon & Harry W. Richardson, *Are Compact Cities a Desirable Planning Goal?*, 63:1 J. AM. PLANNING ASSOC. 95 (1997), <http://www.meer.net/users/money/resume/Portfolio/rt20/bibliography/Gordon&Richardson1997.pdf>.

¹⁴⁸ REAL ESTATE RESEARCH CORPORATION, THE COSTS OF SPRAWL (1974).

¹⁴⁹ *Id.* at 7.

A. *Sprawl and Meeting the Costs of Government*

Sprawl development increases the cost of government in two ways. First, as distances between developments increase, a host of public services and infrastructure becomes more expensive: more street between houses and business; more utility wires between customers; more ground for police, fire, and trash collectors to cover.¹⁵⁰ Another reason that sprawl is expensive for governments is because as people abandon the urban core and inner ring suburbs, they leave behind public investments that often then go under-utilized while at the same time increasing demand for new infrastructure on the urban fringe: more streets, more utilities, more schools, more recreational facilities, more libraries, and more government buildings.¹⁵¹

B. *Sprawl Takes a Toll on the Environment*

The literature has illustrated that sprawl negatively impacts the environment. Some of these costs flow from the tendency of sprawl to increase reliance on automobiles as the primary mode of transportation along with the spread-out distances between travel destinations.¹⁵² Obviously, more driving and gasoline consumption leads to more air pollutants, including the greenhouse gases that contribute to global climate change.¹⁵³ Using vehicles as the primary form of transportation means more roads, parking lots, and other impervious surfaces, all of which add to urban storm water runoff,¹⁵⁴ a major contributor to water pollution.¹⁵⁵ Automobiles are also a major contributor to noise pollution, which harms people and animals, and are responsible for many wildlife mortalities. Beyond those impacts related to automobiles, sprawl also consumes much more

¹⁵⁰ See TOM DANIELS, *WHEN CITY AND COUNTRY COLLIDE: MANAGING GROWTH IN THE METROPOLITAN FRINGE* 147 (1999); Timothy J. Dowling, *Reflections on Urban Sprawl, Smart Growth, and the Fifth Amendment*, 148 U. PA. L. REV. 873, 877 (2000); Reid Ewing, *Is Los Angeles-Style Sprawl Desirable?*, 63:1 J. AM. PLANNING ASSOC. 107 (1997), <http://www.public.asu.edu/~jamille5/gph494/planning/Ewing1997.pdf>. *But see* Gordon & Richardson, *supra* note 147 (critiquing arguments for compact development).

¹⁵¹ See ROBERT W. BURCHELL, ET AL., *SPRAWL COSTS: ECONOMIC IMPACTS OF UNCHECKED DEVELOPMENT* 49-64 (2005).

¹⁵² See Craig N. Oren, *Getting Commuters out of Their Cars: What Went Wrong?*, 17 STAN. ENVTL. L.J. 141, 169-70 (1998); F. Kaid Benfield, *Running On Empty: The Case for a Sustainable National Transportation System*, 25 ENVTL. L. 651, 652 (1995).

¹⁵³ See Oliver A. Pollard, III, *Smart Growth: The Promise, Politics, and Potential Pitfalls of Emerging Growth Management Strategies*, 19 VA. ENVTL. L.J. 247, 267-68 (2000).

¹⁵⁴ See Charles Schmidt, *The Specter of Sprawl*, 106 ENVIR. HEALTH PERSPECTIVES 274-79 (1998).

¹⁵⁵ See Robert W. Adler, *Fresh Water – Toward a Sustainable Future*, 32 ENVTL. L. REP. 10,167, 10,184 (2002).

land than more densely designed areas, which eats away at plant and animal habitat and fragments undeveloped lands.¹⁵⁶

C. Sprawl Hurts the General Public

Sprawl development affects people in important and at times unexpected ways. For example, as compared to denser development patterns, sprawl increases commute times.¹⁵⁷ Increases in traffic and time on the road lead to somewhat proportional increases in traffic accidents, and increases incidents of vehicle collisions into pedestrians.¹⁵⁸ Traffic and the distances between developments in sprawl can make it more difficult for fire fighters, emergency workers, and police officers to respond effectively.¹⁵⁹

D. Sprawl Harms the Poor

Sprawl growth—particularly with the aid of exclusionary zoning—can segregate the poor into enclaves, which only adds to social problems and the barriers of getting out of poverty.¹⁶⁰ Additionally, the lure of the suburbs can cause mass migration from the urban core and inner-ring suburbs. However, due to a lack of resources, the poor are often left behind.¹⁶¹ Isolating the poor can create pressure for businesses to relocate to areas with richer residents (i.e., potential customers) and fewer social problems. Potentially, this may create a domino effect that leads to increased crime, thus reinforcing this negative trend.¹⁶² Furthermore, flight can create a spatial mismatch between the poor and viable employment opportunities.¹⁶³ Once an area begins to decline, the housing market often reinforces the decline because sinking housing prices lure more poor people to declining areas.¹⁶⁴

IV. PRINCIPLES GOVERNING SPRAWL

It is apparent that time has resulted in significant changes for the greater Wasatch Front. The politics, social structure, and economics of society have

¹⁵⁶ See Roberta F. Mann, *The (Not So) Little House on the Prairie: The Hidden Costs of the Home Mortgage Interest Deduction*, 32 ARIZ. ST. L.J. 1347, 1373-74 (2000).

¹⁵⁷ See ANTHONY DOWNS, STUCK IN TRAFFIC: COPING WITH PEAK-HOUR TRAFFIC CONGESTION 79-81 (1992); ROBERT H. FREILICH, FROM SPRAWL TO SMART GROWTH: SUCCESSFUL LEGAL, PLANNING, AND ENVIRONMENTAL SYSTEMS, 27 (1999).

¹⁵⁸ See generally BRIAN A. COHEN, ET AL., MEAN STREETS (1997).

¹⁵⁹ See Schmidt, *supra* note 155, at 274-79.

¹⁶⁰ See ANDRES DUANY ET AL., SUBURBAN NATION: THE RISE OF SPRAWL AND THE DECLINE OF THE AMERICAN DREAM 129-33 (2001).

¹⁶¹ See ORFIELD, *supra* note 13, at 15-38.

¹⁶² See KENNETH T. JACKSON, CRABGRASS FRONTIER: THE SUBURBANIZATION OF THE UNITED STATES 276 (1985); Mann, *supra* note 156, at 1376-77.

¹⁶³ See ANTHONY DOWNS, NEW VISIONS FOR METROPOLITAN AMERICA 45-59 (1994); ORFIELD, *supra* note 13, at 27-28; Owen Fiss, *What Should be Done for Those Who Have Been Left Behind*, 27 BOSTON REV. 4-9 (Summer 2000), available at <http://bostonreview.net/BR25.3/issue.pdf>.

¹⁶⁴ See DOWNS, *supra* note 163, at 60-94.

shifted broadly. Given all the change that has occurred over the past century along the Wasatch front, it is fair to ask, what values govern today's planning efforts?

This Part attempts to answer that question by contrasting today's values with those of the nineteenth-century Mormons. While not the only sort of growth, sprawl still represents the current predominant land use pattern in most of the towns and cities originally settled by the Mormons. Given the continuing prevalence of sprawl, this Part focuses particularly on sprawl growth as the relevant baseline for comparison, and where possible, focuses the discussion with specific references to the Wasatch Front, the home of those first communities founded by the Mormons in the Interior West.

A. Nearsighted Vision

A decade ago, Utah celebrated the sesquicentennial of the first Mormon settlers arriving to the state. As part of the attention focused on that event, then-Governor Mike Leavitt announced the State intended to build a highway that would traverse more than one hundred miles. He framed this as a "big picture, long term proposal."¹⁶⁵ After giving a nod to the contribution of the Mormon settlers, he then added that "quality of life is our heritage in Utah, and it must also be our 'legacy.'"¹⁶⁶ As the proposal materialized, many organizations and individuals opposed the project, primarily based on the premise that the highway would actually detract from the region's quality of life.¹⁶⁷ This opposition did not subside as the proposal progressed. Ultimately, the project proposal found its way to court. The federal judge that first heard the matter seemed to agree that transportation planners could have taken a broader view approach: "Some plaintiffs seek a broader vision from the decision makers and, indeed, a broader overlook of the whole geographic area may have been wise. Without vision, the people perish."¹⁶⁸ While the Tenth Circuit eventually remanded the decision to build the highway to the state department of transportation,¹⁶⁹ and while the state eventually settled with the plaintiffs and built a much more environmental sensitive road than the one proposed,¹⁷⁰ the fact that the state considered building a highway in an environmentally sensitive area as a "bold vision" to address the

¹⁶⁵ Press release, Governor Mike Leavitt, State of Utah, Governor announces Legacy Project (June 17, 1996) (on file with author).

¹⁶⁶ *Id.*

¹⁶⁷ Brigham Daniels, *A Legacy of Conflict: Utah's Growth and the Legacy Highway*, 1 HINCKLEY J. POL., 51, 55 (1998), available at <http://www.lib.utah.edu/epubs/hinckley/v1/daniels.html> (discussing various interests for and against the Legacy Parkway Project).

¹⁶⁸ *Utahns for Better Transp. v. United States Dep't of Transp.*, 180 F. Supp. 2d 1286, 1292 (D. Utah 2001).

¹⁶⁹ *See Utahns for Better Transp. v. United States Dep't of Transp.*, 305 F.3d 1152 (10th Cir. 2002).

¹⁷⁰ Robert W. Adler, *In Defense of NEPA: The Case of the Legacy Parkway*, 26 J. LAND RESOURCES & ENVTL. L. 297, 307 (2006) (discussing details of settlements).

challenges of growth is endemic of the lack of vision that often accompanies planning efforts in the Interior West.

Perhaps in part because big picture planning is often seen as a political can of worms, planning along the Greater Wasatch occurs in an ineffective—or, at times, even dysfunctional—manner. The major challenge is that growth often occurs without any meaningful regional recognition of tradeoffs and often without any coherent vision. For example, very rarely do planning efforts recognize that the Greater Wasatch, despite its varied geographic features, is at its heart one landscape, and its people are part of one large community. Planning is piecemealed into many forums (i.e., federal and state agencies, counties, and municipalities) and is often segregated even further by treating geographic elements and societal uses as distinct (i.e., land use, air quality, water quality, wetlands, wildlife, recreation, and transportation). A disturbing theme emerges from the reams of planning documents: neighboring and overlapping government agencies often charge ahead without having to consider the big picture or only doing so in a cursory way. This type of planning has often proven ineffective along the Greater Wasatch, just as it has led to problems elsewhere where such practices are commonplace:

The problems of open space preservation, affordable housing, highway congestion, air quality, and infrastructure costs are treated independently ... as if there were no linkages. Policy makers have persisted in unsuccessfully treating only the symptoms of these integrated problems rather than addressing the development patterns at their root.¹⁷¹

Even worse, failing to consider the regional picture has often resulted in agencies undercutting each other. Consider the example of open space preservation in Park City. Park City has adopted stringent regulations for the development of hillsides, particularly along slope lines. However, neighboring jurisdictions have no such regulations. Summit County, being one of these, has allowed hillside development, essentially reducing and even free riding on the value derived from Park City's regulation.¹⁷² Similar examples abound: Salt Lake City is pursuing a more walkable community while other municipalities build sprawl growth that make their residents more auto-dependent, including when commuting to work—often to Salt Lake City;¹⁷³ the Utah Transit Authority has

¹⁷¹ PETER CALTHORPE, *THE NEXT AMERICAN METROPOLIS: ECOLOGY, COMMUNITY, AND THE AMERICAN DREAM* 34 (1993).

¹⁷² Karl Cates, *Resort Area Growing Itself to Death*, SALT LAKE TRIB., Feb. 15, 2000, at B1 (describing Summit County's growth and its associated problems for it and its neighbors); Jim Woolf, *Park City Looking to the Future*, SALT LAKE TRIB., Mar. 12, 2002, at C1 (referring to Park City's undeveloped area as a "moat" from development of Summit County's Snyderville Basin).

¹⁷³ A former mayor of Salt Lake City ended up suing over this very issue, framed as a violation of NEPA. See *Utahns for Better Transp. v. United States Dep't of Transp.*, 305 F.3d 1152 at 1175.

worked diligently to increase ridership, but with more and more people living in sprawl development, it gets increasingly difficult to effectively serve large portions of the population;¹⁷⁴ Salt Lake County used taxpayer funds to encourage development of the Fort Union Shopping Center to increase its tax base,¹⁷⁵ and the City of Midvale later annexed this development to capture the same tax base;¹⁷⁶ state wildlife managers attempt to manage wildlife populations by regulating hunting only to find that local land use and transportation policy has proven a more significant threat.¹⁷⁷ These scenarios are not unique; rather, they reflect the problem of agencies that have overlapping and often competing jurisdictions. Rather than grappling with the difficulties of the challenges we face, too often we deal with problems with blinders on and give detailed attention to particular trees while ignoring the proverbial forest.

Another problem associated with piecemealing is that some issues are not adequately addressed in any forum. Instead of an entity consciously making a policy, neglect foreordains a particular solution. For example, very little is done to direct the population to conserve water. Utah, one of the driest states in the Union, has traditionally had one of the lowest water rates due to subsidies.¹⁷⁸ The result is that water districts often see consumption of water rising at a rate that puts society on a crash course for a water crisis. The reoccurring response is that such consumption requires more water development. The failure of planning that leads to a mandated solution is all too common across many policy areas along the Greater Wasatch. Too often, there is very little—if any—accounting for the regional or long-term costs and benefits of the way that growth occurs. To the extent that anything is done at all, it comes in the form of treating the symptoms related to failing to plan.

¹⁷⁴ See generally UTAH TRANSIT AUTHORITY, *PLANNING FOR TRANSIT* (2002) (encouraging municipalities to plan ahead for transit due to the difficulty of retrofitting communities to accommodate transit and the challenge of providing services for land use patterns characterized by large lots and segregated uses).

¹⁷⁵ Tony Semerad, *S.L. County Attaches Strings to Fort Union Plan*, SALT LAKE TRIB., Apr. 27, 1993, at B4.

¹⁷⁶ Joe Baird, *Shortfall May Trigger New S.L. County Tax Hike*, SALT LAKE TRIB., Sept. 12, 1999, at C1.

¹⁷⁷ See Donna Kemp Spangler, *Oh Deer! Wild Woes Increasing*, DESERET NEWS, Apr. 19, 2002, at A1 (detailing conflicts between suburban growth and deer populations); Tom Wharton, *DWR Seeks New Revenue Sources for Wildlife Funding*, SALT LAKE TRIB., Jan. 4, 2000, at C3 (stating urban sprawl and other development posing permanent threat to much land and water critical to wildlife).

¹⁷⁸ *The Way We Tax*, GOVERNING MAG. (Feb. 2003) at 90 (quoting Lynne Ward, State of Utah Budget Director, "We're about the second driest state in the nation. But we also have the lowest water rates.").

B. Local Interests, Lack of Cooperation

A common mantra in Utah politics dealing with growth is “local control, regional coordination.” While in principle this seems like a workable solution, very rarely has this approach proved adequate. Rather, what has happened is that the design of our built landscape has been almost entirely controlled by the whims of the market with little thought to what sort of community these discrete development choices will produce. While it is hard to imagine a system whereby the use and nature of each developed parcel is determined by a central authority, as was the case for the Mormon settlers, a system that tries to iron out some of the collective action problems through creating modest regulations seems workable, and indeed desirable.

As mentioned previously, sprawl has various costs, but it is important to recognize that these costs are not evenly distributed. Perhaps the most apparent cost for the suburbanite is the development of open space and seemingly perpetual traffic problems.¹⁷⁹ On the other hand, the poor feel the pinch most acutely when it comes to urban decline and concentrated poverty. Given that sprawl impacts different groups differently, it creates an interesting challenge when it comes to promoting cooperation. So, for example, cooperation may leave society better off, but those living comfortably in the suburbs may not see a pressing need to make sacrifices. Not surprising, because local governments make most of the land use decisions, these decisions often take the tack that serves local interests regardless of whether it proves problematic in the bigger picture.

C. Lack of Accountability for Growth

Unlike the nineteenth-century Mormon planning efforts, developments today seem to crop up without reference to a stewardship or, as suggested above, even how the larger community will be impacted. The public sphere has diminished significantly, and seemingly individual preference is paramount. For example, whereas at one time open space was preserved publicly (e.g., public parks or community farms), now for many people the need for open space is met through fenced in backyards. While there are some notable exceptions to this, very often along the Greater Wasatch, very little attention is paid to how things look in the bigger picture.¹⁸⁰ However, in many instances, not only do we find a system that

¹⁷⁹ Ironically, sprawl is built on an illusion that moving out in the suburbs will provide great access to undeveloped open space. This has been recognized as occurring for years. One study of nineteenth-century Boston observed this phenomenon then: “Each homeowner want[s] to believe that his new house [is] in the country, or at least near it, though in fact in ten to fifteen years his house and land [will] be lost in a great plan of new streets and homes.” WARNER, *supra* note 132, at 53.

¹⁸⁰ Notable exceptions to this—discussed much more in Part V—are the Envision Utah process, the debate around several major transportation projects (i.e., the Legacy Highway and rail), and the private development of Daybreak.

puts narrower self interests above community interests, but also we often find that many would argue passionately that this is how things ought to be.

This does not mean a lack of land use regulation. To the contrary, very often we find communities with intricate zoning regulations. However, these regulations are not just used to prevent neighbors from creating foreseeable nuisances. Rather, by zoning out multifamily housing, less expensive building designs, and requiring certain lot sizes, these regulations often exacerbate auto-dependence and stratify neighborhoods. In this way, zoning becomes a contributor to sprawl. Critics of such land uses have labeled this type of zoning “planned sprawl.”¹⁸¹ In the context of the Greater Wasatch Front, this sort of growth has been found to increase air pollution, require more physical costs of infrastructure, gobble up more open space, and make it more difficult for the poor to acquire housing.¹⁸² What is striking is that all of these costs are incurred without ever really evaluating whether these trade-offs are worth it. Rather, we often fumble along and fail to account for the consequences of our actions and ignore any sense of stewardship.

D. Exclusion and Concentration of the Poor

Whereas Mormon planning took pains to help the poor, current land use planning reflects exclusion and isolation of the poor. For example, the Salt Lake Valley is striking in this respect but not unusual for the area:

Today, the city resembles an amphitheatre designed for the benefit of the upper-middle class. Their homes are perched on the mountain sides, almost in concentric arcs and below them lie the homes of the less wealthy, and the core city. Further to the west are the poorest citizens.¹⁸³

Isolation and segregation of the poor is common in sprawl communities: blight is the opposite side of the coin of flight. The exodus from the urban core to the suburbs that is common in sprawl not only gobbles up open space on the urban fringe but also dramatically affects those areas being abandoned. As suburbia has grown by adding to its number all who can afford to leave urban areas (both

¹⁸¹ See RANDALL ARENDT ET AL., RURAL BY DESIGN 24 (American Planning Association 1994) (“As understood by most zoning practitioners, the ‘incompatibility’ issue has referred to uses whose external characteristics would conflict, such as industrial odors wafting into nearby residential areas. Unfortunately, the use of this narrow definition has resulted in a different type of incompatibility: conventional zoning and the livable, walkable community. Ironically, the uncritical adoption of conventional suburban zoning and subdivision regulations has created a virtual sea of standardized, sprawling development incompatible with other equally important aspects of traditional towns: their ambience, character, and vitality.”).

¹⁸² See ENVISION UTAH, HISTORY OF ENVISION UTAH 32-35 (2003), available at <http://www.envisionutah.org/pdf/historyenvisionutahv5p1.pdf> (last accessed Jan. 15, 2008).

¹⁸³ ALEXANDER & ALLEN, *supra* note 57, at 6.

individuals and businesses), those people left behind in the abandoned urban areas are left living in more concentrated poverty.¹⁸⁴ So, all too often, an outgrowth of competition among jurisdictions is exclusionary zoning of low income developments.

In a system that rewards communities that have a higher tax base, such as the system along the Greater Wasatch, every community has an incentive to exclude the poor. Two of the most important factors for municipalities weighing the value of a development include how the proposal affects the tax base and the need for public services. Low income housing does not add much to a tax base and is often thought of as a liability in terms of the public services required (particularly human services).¹⁸⁵

Blighted areas face many problems. Due to the concentration of poverty, agitated by the flight of the middle and upper classes, abandoned areas face the seemingly impossible task of dealing with an increased demand for social services while simultaneously suffering a decline in their tax base.¹⁸⁶ Competition among areas also makes it increasingly difficult to repair the damage done: "We cannot revitalize inner cities without changing the patterns of growth at the periphery of metropolitan regions; it is a simple matter of the finite distribution of resources."¹⁸⁷ Segregating people by income level also makes it increasingly difficult for people who are most able to help to assist those with the most need.¹⁸⁸ Urban out-migration "isolate[s] and concentrate[s] the most disadvantaged, and through this very isolation the concentration perpetuate[s] and magnif[ies] that disadvantage."¹⁸⁹

While Salt Lake City along with other cities in the Interior West are in the process of revitalizing, Salt Lake City still has felt the squeeze of some of its major retail tenants relocating to the suburbs.¹⁹⁰ In fact, many of the more urban areas along the Greater Wasatch show symptoms of flight: "neglect, blight, [and]

¹⁸⁴ JOHN H. FINDLAY, *supra* note 141, at 27-31; D. R. FUSFIELD & TIMOTHY BATES, *THE POLITICAL ECONOMY OF THE URBAN GHETTO* 16 (1984) (describing concentrated poverty through the lens of race); KATHRYN P. NELSON, *GENTRIFICATION AND DISTRESSED CITIES: AN ASSESSMENT OF TRENDS IN INTRAMETROPOLITAN MIGRATION* 12 (1984); WARNER, *supra* note 132 at 64-66 (describing nineteenth-century Boston's segregated suburbs); WILSON, *supra* note 140, at 33-61; Arnold R. Hirsch, *The Causes of Residential Segregation*, in 1 *ISSUES IN HOUSING DISCRIMINATION* (United States Commission on Civil Rights ed., 1985) at 74; Owen Fiss, *supra* note 163.

¹⁸⁵ ORFIELD, *supra* note 13, at 55.

¹⁸⁶ *Id.* at 63.

¹⁸⁷ CALTHORPE, *supra* note 171, at 20.

¹⁸⁸ BANK OF AMERICA ET AL., *BEYOND SPRAWL: NEW PATTERNS OF GROWTH TO FIT THE NEW CALIFORNIA* (1995) ("Sprawl makes it easier for the middle class to ignore the political and social problems left behind."). This effect is often magnified because of the human capital that is lured outside of abandoned areas. See Langdon Winner, *Silicon Valley Mystery House in VARIATIONS ON A THEME PARK: THE NEW AMERICAN CITY AND THE END OF PUBLIC SPACE* 31-60, 49-58 (Michael Sorkin ed., 1992).

¹⁸⁹ Fiss, *supra* note 163, at 4.

¹⁹⁰ Lesley Mitchell, *What Next, Main Street?* SALT LAKE TRIB., Feb. 9, 2003, at E1.

vacant buildings.”¹⁹¹ An obvious consequence of the relocation of business from the urban abandoned areas is that the low income residents left behind are isolated from employment and from social contacts that include a significant number of potential employers.¹⁹² This increases hurdles to securing employment¹⁹³ and makes it much less likely that social contacts of those left behind will lead to gainful employment.¹⁹⁴ Despite these barriers (and possibly because of them) some cities have invested funds, with some success, in revitalizing these areas.¹⁹⁵ While these abandoned urban areas present problems, due to the potential tax base that can be realized in revitalizing a downtown area, it seems there will always be an incentive—and therefore hope—for revitalization.

The decline of inner ring suburbs seems to pose a more difficult problem. As the poor become more and more concentrated, what can be done to change the tide? Take the example of the largely residential neighborhood of Rose Park, located due west of downtown Salt Lake City, which seems to be such an area. While income growth of the area lags behind the state as a whole (five percent growth compared to thirty percent growth over the past ten years), its high school dropout rates are on the upswing and the number of people living below the poverty line in the area have doubled (up to nearly eighteen percent over the same time period).¹⁹⁶ The community is facing some racial tensions as the minority populations have seen substantial growth.¹⁹⁷ It is difficult to see how neighborhoods like Rose Park will revitalize. It also poses significant problems in determining where the poor will live if the neighborhood ever turns around.¹⁹⁸ A long-term strategy that seeks to integrate the poor within the broader society seems much preferable to the roller coaster ride of boom/bust neighborhoods.

¹⁹¹ Stephen Speckman, *The Main Event: Downtowns Making Strides*, DESERET NEWS, Apr. 22, 2003, at A1.

¹⁹² Winner, *supra* note 188, at 50; WILSON, *supra* note 140, at 42; Richard Thompson Ford, *The Boundaries of Race: Political Geography in Legal Analysis*, 107 HARV. L. REV. 1843, 1847 (1994).

¹⁹³ WILSON, *supra* note 140, at 42-45.

¹⁹⁴ DOUGLAS S. MASSEY & NANCY A. DENTON, *AMERICAN APARTHEID: SEGREGATION AND THE MAKING OF THE UNDERCLASS* 162 (1993); WILSON, *supra* note 140, at 45.

¹⁹⁵ Stephen Speckman, *The Main Event: Downtowns Making Strides*, DESERET NEWS, Apr. 22, 2003, at A1. Salt Lake City currently is not only investing money, but also is reinforcing this with policies to promote walkability, smart growth land uses, and attempting to cooperate with other municipalities to do the same.

¹⁹⁶ Joe Baird & Tim Sullivan, *Here Comes the Neighborhood*, SALT LAKE TRIB., Feb. 1, 2003, at A1.

¹⁹⁷ *Id.*; note that communities of color are often the hardest hit by this phenomenon. See generally MASSEY & DENTON, *supra* note 194; WILSON, *supra* note 140.

¹⁹⁸ NELSON, *supra* note 184.

V. APPLYING THE MORMON PLANNING ETHIC IN SPRAWLED COMMUNITIES

It is hard to imagine that today a religious leader like Smith or Young could dictate land use patterns or control a whole society in the way it was done among nineteenth-century Mormons. In fact, it is quite likely that many people—even among members of the church—would find the prospect of a church wielding such power over the public quite unsettling. Still, at a more basic level, it is worth giving some thought to whether we could breathe renewed life to those principles that sustained Mormon settlement building: vision, cooperation, stewardship, and care for the poor. This Part addresses how this may be done.

A. *Finding a Vision*

Under sprawl growth, planning generally either occurs myopically or not at all. Yet, sometimes, we deviate from this characterization and understanding when this occurs presents a window of opportunity.

Most of the time, when robust land use planning occurs, it does so on a project-by-project basis. This means that most public debates over planning—to the extent that they occur at all—relate to particular proposals rather than the bigger picture. This unfortunately means that the land use planning dialogue is often dominated by NIMBY-ism (acronym for “not in my backyard”). The participation of those with only a narrow interest often means that opposition to proposed projects is dominated by relatively inexperienced citizens who often otherwise would not be involved in local politics.

However, when a project proposal is controversial enough or of a large enough scale, such proposals have the potential to capture the attention of the broader public. For example, in the context of the Wasatch Front, the practice of tearing down older homes and rebuilding larger homes that really do not fit the community's character has resulted in a good deal of public outcry, at least in more historic neighborhoods.¹⁹⁹ This outcry is presumably fueled by the prevalence and the visibility of the practice. Similarly, the public gave its attention to the conflict over building the Legacy Highway.²⁰⁰ This is not uncommon for large-scale transportation projects. Often, proposals surrounding large-scale commercial developments capture the public's attention. For example, the two largest revitalization projects in Salt Lake City—the Gateway and particularly the church's redevelopment of two malls adjacent to Temple Square—both came with intense public scrutiny.²⁰¹ While controversy raises public interest in planning,

¹⁹⁹ See, e.g., Brady Snyder, *S.L. Nails Down Rules on Home Building*, DESERET NEWS, Dec. 14, 2005, at B1.

²⁰⁰ See, e.g., Donna M. Kemp, *Backers, Foes Collide Over Legacy Highway*, DESERET NEWS, Aug. 24, 2000, at B1 (discussing robust participation in public hearing on the Legacy Highway).

²⁰¹ See, e.g., Heather May, *Preservationists to Public: Help Stop Wrecking Ball*, SALT LAKE TRIB., Oct. 11, 2006, at B1; Rebecca Walsh, *Gateway Brings Hope, Some Heartburn*, SALT LAKE TRIB., Apr. 12, 1998, at B1.

often it results in better projects. Additionally, by focusing the public's attention and thereby getting better projects, we often save ourselves from future problems and fights down the road.

The government does not hold a monopoly in creating public visions for our growth. Two examples found along the Wasatch Front deserve particular attention in this regard: Envision Utah and the Daybreak Development. The most significant step taken in building a community vision along the Wasatch Front is that of the grassroots planning process called Envision Utah. Envision Utah is a long-term project of a Utah nonprofit, the Coalition for Utah's Future. The project began in 1995, when the Greater Wasatch Front had a population of 1.6 million (at the time 80% of the State's population)—an area that was estimated to grow to 2.7 million in 2020 and to 5 million by 2050.²⁰² After looking to examples in public land use campaigns in other states (e.g., California's *Beyond Sprawl* Report²⁰³ and Portland's Metro 2040 process), Envision Utah began to engage state lawmakers and other key decision makers.²⁰⁴ With the help of government entities, Envision Utah created a baseline growth projection that quantified costs and benefits related to the region's transportation infrastructure costs, air quality, land use, and water use and development.²⁰⁵

When Envision Utah and the Governor's Office presented this data to decision makers, policymakers were dismayed.²⁰⁶ Envision Utah began to engage key leaders, planners, and interest constituencies within the community through workshops that allowed participants to consider the real trade-offs of different visions: different densities of growth, different transportation choices, and options to protect or sacrifice an array of values.²⁰⁷ As an outgrowth of these workshops, Envision Utah developed four alternative growth scenarios and quantified costs and benefits for each. Envision Utah then took on a robust public information campaign to solicit the public's input.²⁰⁸ As a result, nearly 17,500 people responded to Envision Utah's survey.²⁰⁹ From this process, Envision Utah came up with a preferred alternative growth scenario that called for denser, mixed-use, transit-oriented development.²¹⁰ In the year 2020, as compared to the baseline scenario, the alternative growth scenario would result in significant advantages:

²⁰² See ENVISION UTAH, *supra* note 182.

²⁰³ See generally BANK OF AMERICA ET AL., *supra* note 188.

²⁰⁴ ENVISION UTAH, *supra* note 182, at 3-5.

²⁰⁵ *Id.* at 15.

²⁰⁶ *Id.* at 16.

²⁰⁷ *Id.* at 17-18.

²⁰⁸ See *id.* at 36-38 (explaining how Envision Utah held press conferences, secured substantial radio and television ads, a newspaper insert, and an hour-long documentary that aired on public television all presenting these issues; conducted fifty public meetings; and put up an interactive website on the internet).

²⁰⁹ *Id.*

²¹⁰ ENVISION UTAH, QUALITY GROWTH STRATEGY AND TECHNICAL REVIEW 1 (2000), <http://www.envisionutah.org/qualitygrowthstrategy.phtml> (last visited Apr. 9, 2008).

171 square miles of undeveloped open space; much wider choices of housing types; 2.4 million fewer vehicle miles traveled (VMT) on a yearly basis; nearly a doubling of transit use; a reduction of 93,000 acre feet of water use per year; and \$4.5 billion of savings in total infrastructure costs, primarily due to the reduced need of highway development.²¹¹

While efforts to fulfill the vision have come slower than one might have hoped, still some positive changes have come out of the process. Envision Utah played a critical role in promoting light rail in Salt Lake County and Commuter Rail along the Wasatch Front, which has proven incredibly popular.²¹² For example, based on the success of the current light rail line, cities throughout the Greater Wasatch have clamored and schemed to bring rail transit to their communities.²¹³ In fact, in large measure to secure light rail and commuter rail (which just recently came on line), four counties in Utah have—at times grudgingly—paid for these improvements by voting to increase their own taxes.²¹⁴

Probably the biggest gap between the vision and reality is that municipalities have been slow to alter their land use plans to reflect Envision Utah's goals. This is true even though there have been spots of progress: Salt Lake City along with some major property owners—primarily the Mormon Church—has taken great pains to attempt to revitalize downtown Salt Lake City. Some of the communities with light rail stations and now commuter rail stations have attempted to build walkable, mixed use developments around stations.²¹⁵

The gem of these walkable communities, however, is a product built by Kennecott Copper (a major property owner on the west side of Salt Lake County), which represents one of the most the robust smart growth developments in the country. This development, called the Daybreak development, which sits on more than 4,000 acres is planned to include parks, trails, open space, more than 13,000 homes, and several million square feet of office and retail space.²¹⁶ Other cities

²¹¹ *Id.* at 13.

²¹² See, e.g., Jerry Stevenson and Alan Matheson, *Utah in Transportation Crisis*, DESERET NEWS, Sept. 6, 2006.

²¹³ Derek P. Jenson, *Jordan, WVC TRAX Lines Appear "a Lock" but Airport, Draper Routes May Be Out*, SALT LAKE TRIB., Oct. 14, 2006, at B1; Brady Snyder, *Will Cities Compete for Light Rail?* DESERET NEWS, Aug. 21, 2002, at B3; Stephen Speckman, *Cities Salivating over Possible TRAX*, DESERET NEWS, Sept. 2, 2002, at B2.

²¹⁴ See Kristen Moulton, *UTA Pushes Davis, Weber Counties to Make Up Tax Shortage*, SALT LAKE TRIB., Dec. 11, 2007; Nicole Warburton, *Transit Tax Fails in Davis, OK'd in Box Elder*, DESERET NEWS, Nov. 7, 2007; Nicole Warburton, *Transit Measures Approved*, DESERET NEWS, Nov. 8, 2006; Zack Van Eyck & Donna Kemp Spangler, *Bo-o-ard! Counties Approve UTA Tax*, DESERET NEWS, Nov. 8, 2000.

²¹⁵ Stephen Speckman, *Some S.L. Valley Cities Mindful of Gateways*, DESERET NEWS, Mar. 19, 2003, at E1.

²¹⁶ See Calthorpe Associates, *Daybreak at South Jordan*, <http://www.calthorpe.com/Project%20Sheets/Daybreak.pdf> (last visited Apr. 9, 2008).

along the Greater Wasatch, such as Ogden, Tooele, and Payson, have also invested funds into decaying Main Streets.²¹⁷

While the Wasatch Front is far from reaching its vision, many communities are at least working in the right direction and at least discussing these important issues. The challenge is getting the political apparatus to make Envision Utah more than a process but a changed reality. During the nineteenth century, Mormon leaders built settlements effectively because they had such great control over the Interior West's society. It is possible that to obtain the growth scenario that Envision Utah has identified, it will take more political control over land use and planning decisions. While questions remain as to whether today this is politically achievable, this difficulty is not insurmountable. Particularly for Mormons considering working to revitalize the place once known as Zion, they should remember the first words of what has virtually become an anthem of Mormonism, "Come, come ye Saints, no toil or labor fear[.]"²¹⁸

B. Working toward Working Together

The Mormon settlers realized the benefits of cooperation when facing collective action problems and attempting to create community infrastructure and amenities. Mormons accomplished a great deal by suppressing individual desires for the good of the whole.²¹⁹ Whether this meant foregoing buying superior items in order to support Mormon producers, building community infrastructure and planting crops for collective farms before focusing on improvements on personal property, or moving across the arid West to establish a new community that would give the church some advantage, "Mormonism [was] remarkably successful in teaching individuals to sacrifice their own interests for those of the group."²²⁰

While today we do not need to go as far as the nineteenth-century Mormons did in curbing self interest, modern urban planning efforts would benefit greatly if we could find ways to put collective interests ahead of individual interests. Within the context of the Wasatch Front, Envision Utah is at least a first step in the right direction. It has identified the community's shared stake to pursue sensible planning, which at least to some degree seems to have inspired the Wasatch Front to work together. Specifically, Envision Utah has helped communities see that most of us have similar values when it comes to the stakes of growth: the fate of our remaining open space, surface water and air shed; the size of our tax base and tax bill; and the range of choices offered to the community in regards to housing and transportation.²²¹ For majoritarian policies to materialize, such as those

²¹⁷ Stephen Speckman, *The Main Event: Downtowns Making Strides*, DESERET NEWS, Apr. 22, 2003, at A1; *Tooele Joins Main Street Revitalizing Program*, DESERET NEWS, Mar. 21, 2003, at B3.

²¹⁸ William Clayton, *Come, Come Ye Saints*, in HYMNS OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS (1985) at 30.

²¹⁹ See Part II.B.

²²⁰ ARRINGTON ET AL., *supra* note 36, at 13.

²²¹ ENVISION UTAH, *supra* note 210, at 1.

identified by Envision Utah, it often requires a leader who can capture the attention of the public and its decision makers.²²² Envision Utah may indeed be this agent of change.

Sometimes the larger good requires sacrifice. During the nineteenth century, Mormons were often asked to sacrifice for the greater good. A move away from sprawl will require some individuals and governmental units to sacrifice some advantage from which they currently benefit. One example of this that has a great impact on our built infrastructure is the competition between Utah's sister transportation agencies. Utah currently separates its roads departments (Utah Department of Transportation) and its transit department (Utah Transit Authority). This competition is particularly disturbing in light of the fact that the roads department is so much more politically powerful than the transit department, which biases transportation solutions towards roads and away from transit. Such needless bickering has led to few if any positive public policies and to a host of problems.²²³

There are other rifts as well. For example, some localities have done better than others in sprawl: South Jordan and Alpine, for example, attract expensive new residential developments; the tax bases of some communities are flush due to cherry picking by incorporated cities of unincorporated areas; some downtown centers and suburbs have often eroded as nearby municipalities have benefited. Stopping sprawl is a real difficulty because some communities owe some of their prosperity to the dismal lot of other communities. How could this be done? One solution that is often floated in solving such regional disparities is empowering a regional government.²²⁴ However, this solution is often met by opposition. Up to

²²² JAMES Q. WILSON, *The Politics of Regulation in THE POLITICS OF REGULATION* 357, 367-69 (1980).

²²³ Problems of segregating transit and roads into two different departments are many. For example, this is a barrier to coordinating projects, which as Denver has realized often leads to substantial savings of tax dollars and construction times. It also inhibits discussions of the best sequence of improvements. This is particularly important because the land use patterns that are facilitated from different improvements may make subsequent improvements in other modes less effective. For example, highways and roads often facilitate to developments reliant on automobiles (lower densities and more segregated uses); transit fares much better with high densities and mixed-use developments. UTA has attempted to dampen this effect by asking municipalities to figure transit into account when making land use decisions. UTAH TRANSIT AUTHORITY, *supra* note 174, at 183. This is an issue that several citizen groups litigated and won in the recent litigation over the proposed Legacy Parkway. See *Utahns for Better Transp. v. United States Dept. of Transp.*, 305 F.3d at 1170. This separation also makes it difficult to integrate improvements into current projects, e.g., highways and park-and-ride lots. This is also an issue that the State lost on in the Legacy Parkway litigation. See *id.* at 1170-71.

²²⁴ See generally DOWNS, *supra* note 163; see also ORFIELD, *supra* note 13, at 11-12; DAVID RUSK, *CITIES WITHOUT SUBURBS* (1993); DAVID RUSK, *INSIDE GAME/OUTSIDE GAME: WINNING STRATEGIES FOR SAVING URBAN AMERICA* 327-33 (1999); Sheryll D. Cashin, *Localism, Self-Interest, and the Tyranny of the Favored Quarter: Addressing the Barriers to New Regionalism*, 88 GEO. L.J. 1985, 1988-89 (2000).

this point, probably in attempt to avoid controversy, Envision Utah has not advocated for this position.²²⁵ A solution that would lessen the balkanization of municipalities would certainly promote progress. Whether it is through a regional government, or through a surrogate for it,²²⁶ finding ways to pursue the good of the larger community seems essential.

1. Reclaiming a Sense of Stewardship

The vision that has emerged from the Envision Utah process is one where a sense of a broader stewardship is an important factor in the decision making process. In fact, a theme of this process is the need to understand how choices made today will affect our children and grandchildren. Part of this is the taxpayer price tag needed to maintain different infrastructures, the difference of \$4.5 billion by the year 2020.²²⁷ Another part of this is determining the amenities of future societies, for example, amounts of open space, differences in the air quality, and the range of housing and transportation choices available.²²⁸ This same sense of commitment has accompanied Envision Utah in its more recent 2040 regional visioning process.²²⁹ While the overwhelming response from Utah's residents is that policy makers and planners need to take into account the interests of the Greater Wasatch's future society to a much greater degree than they have in the past,²³⁰ the policies of the municipalities lag well behind this public mandate. It seems much greater strides are warranted in this regard. The question is how to transform the vision into reality.

Another challenge of our current planning system is that a myriad of small decisions ultimately add up to define the type of communities we are creating. While the public's attention might be captured for large visioning exercises and large-scale construction projects, it is still a matter of concern that the massive number of micro decisions may make a new vision nothing more than a mirage, something not uncommon in Utah's arid landscape. Several reforms may help us

²²⁵ See ENVISION UTAH, *supra* note 210 (summary addressing "Local Control, Regional Coordination").

²²⁶ "If not regionalism, what?" is a difficult question. It is possible to imagine a weaker form of regionalism as a compromise, such as consolidating the tax base but allowing municipalities to retain power over land use decisions. Some scholars have proposed local government reforms that would allow for more permeable borders that would even result in limited cross-border voting in certain instances. Richard Thompson Ford, *supra* note 192, at 1909-10; Jerry Frug, *Decentralizing Decentralization*, 60 U. CHI. L. REV. 253, 324-30 (1993). Another alternative might be a regional body that has no authority over local powers but that would provide a forum "for inter-local negotiations about how to decentralize power." *Id.* at 297.

²²⁷ See ENVISION UTAH, *supra* note 210, at 13.

²²⁸ *Id.*

²²⁹ See generally WASATCH FRONT REGIONAL COUNCIL, ET AL., WASATCH CHOICES 2040 (2005).

²³⁰ *Id.* See also UTAH, *supra* note 210.

maintain our stewardship.²³¹ One policy tool that Utah might use to make sure that small decisions conform with larger decisions is the adoption of a grand vision master plan and the requirement that subsequent decisions conform to that plan. A second tool may be better disclosure of a project's impact. For major projects requiring federal participation, this is already accomplished at least somewhat through the National Environmental Policy Act.²³² Some states, notably California and New York,²³³ have required such information disclosure for projects requiring local government approval as well. Finally, some state constitutions have been amended to require decision makers to balance current needs with those of the future. The Montana Constitution, for example, makes the "right to a clean and healthy environment" an "inalienable" right.²³⁴ It also provides that "[t]he state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations."²³⁵ While it is uncertain how much protection these provisions actually provide, they at least seem to point us in the right direction.

2. *Building Integrated Communities*

The Mormon Church's First Presidency in 1936 said of the church's welfare program: "Our primary purpose was to set up, in so far as it might be possible, a system under which the curse of idleness would be done away with. . . and independence, industry, thrift and self respect be once more established among our people."²³⁶ What could be done to promote this ethic in society more generally? And more specifically, given the theme of this article, is there anything to be said about how community design might promote this ethic?

Currently, much of what passes as land use planning seems the antithesis of this ethic. With municipalities competing for the wealthy and commercial developments, the unaccounted consequence of this is the de facto exile of the poor into abandoned enclaves—a far cry from fostering "independence, industry, thrift, and self respect."

²³¹ Granted, there is much that could be done to curb sprawl, build communities, protect the environment, and keep tax liabilities. The policies suggested here are not exhaustive.

²³² 42 U.S.C. §§ 4321-4375 (2006).

²³³ California Environmental Quality Act (CEQA), CAL. PUB. RES. CODE § 21000. (West 1998); New York Environmental Quality Act (SEQRA), N.Y. ENVTL. CONSERV. LAW §§ 8-0101. (McKinney 1997). For descriptions of other states with similar laws, including Minnesota and Washington, see 5 ZONING AND LAND USE CONTROLS §§ 28.01, 28.02 (Patrick J. Rohan ed. Supp. 1999).

²³⁴ MONT. CONST. ART. IX, SEC. 1.

²³⁵ *Id.*

²³⁶ GLENN L. RUDD, PURE RELIGION: THE HISTORY OF THE CHURCH WELFARE SYSTEM 45 (1995) (quoting and discussing First Presidency's Message from General Conference 1936).

Such isolation is commonplace along the Greater Wasatch. For example, as a generality, the poverty line separates the east and west side of Salt Lake County. This rubs directly against the grain of the Mormon Church's efforts to build Zion, integrated for the time being and working toward a city with "no poor among them." As one author stated, "There should be no East Bench and 'west side of the valley' in Zion."²³⁷

What can be done to remedy this? Envision Utah's goal to create mixed-use, mixed-income neighborhoods that provide housing choices is certainly a step in the right direction.²³⁸ In fact, this is a major contention of the planning movement often referred to as New Urbanism.²³⁹ Unlike the growth patterns in urban sprawl that segregate and segment according to the cost of neighborhood housing units, this would lead to more integrated neighborhoods. Such land use patterns may reintegrate low-income residents back into society. This may reintroduce some of the "social buffer" that has been lost from years of migration from abandoned areas, including the strengthening of cultural institutions, increase of economically useful social contacts, and visibility of more positive role models in the community.²⁴⁰ This also begins to mitigate the spatial mismatch between low-income residents and employment and the problems that accompany this.²⁴¹ To the extent that such neighborhoods were located in struggling areas, this may slow or even reverse the eroding tax base.

In the event that such policies lead to businesses returning to declining areas, increased densities, or a more vibrant area, this may lead to increased public transit investments. This would not only serve the area but would be a boon to the poor.²⁴² Investments in transit and mixed-use, higher density housing are likely to reinforce and magnify the positive effect of such policies.

In addition to these community design policies, Envision Utah's goal could be supplemented with an outright ban on exclusionary zoning. Such a measure has successfully accompanied smart growth policies in other communities across the country.²⁴³ Municipalities and regions may also choose to incorporate incentives, such as density bonuses, that provide developers a carrot for incorporating some low-income housing stock into other projects.

²³⁷ LUCAS & WOODWORTH, *supra* note 45, at 98.

²³⁸ ENVISION UTAH, *supra* note 210, at 1.

²³⁹ See Nicole Stelle Garnett, *Ordering (and Order in) the City*, 57 STAN. L. REV. 1, 32-34 (2004); James A. Kushner, *Smart Growth, New Urbanism and Diversity: Progressive Planning Movements in America and Their Impact on Poor and Minority Ethnic Populations*, 21 UCLA J. ENVTL. L. & POL'Y 45, 65-71 (2002/2003).

²⁴⁰ See WILSON, *supra* note 140, at 56.

²⁴¹ Fiss, *supra* note 163, at 7 (noting that any adequate remedy to concentrated poverty must address the spatial mismatch between low-income residents and employment). See also Part II.A.

²⁴² Carl Abbott, *The Portland Region: Where the City and Suburbs Talk to Each Other—And Often Agree*, 8 HOUSING POL'Y DEBATE 12, 38-44 (1997).

²⁴³ For example, this measure was included in Portland's growth boundary enactment and is regularly used in California.

One would not expect all the answers to come from government either. Public and nonprofit entities may also choose to invest funds in securing low-income housing. Housing cooperatives, something that would have particular relevance in Utah due to its long history of Mormon cooperatives, may be another strategy that could help build up a stock of low-income housing in reviving areas.²⁴⁴ It seems such a broad-based strategy would result in more stable neighborhood structures. And, all of these strategies would assure that low-income tenants would benefit, along with society generally, as sprawl declines and abandoned areas revive.

CONCLUSION

Much can be learned from the Mormon experiment to build Zion. Yet, in today's interconnected world, those isolated Mormon settlements seem very distant. Most of the 500 Mormon-built communities throughout the West, particularly along the Greater Wasatch Front, still stand; some thrive, and some struggle. Many of these communities have changed; however, each is in some way still a monument to those settlers. Former President of the Mormon Church, Harold B. Lee, reminded an audience: "[The Mormon pioneers] were driven into the desert; they were starving and they were unclad; they were cold. We are the inheritors of what they gave to us. But what are we doing with it?"²⁴⁵

The question exposes the heart of the matter, not only for Mormons but also for all of us. We all have a common connection to our past and a stake in our future and that of our descendants. Asking what we are doing with the world should cause us to reflect on how we treat the world we have, how we treat those living on the margins of society, and how we will set the stage for a society yet to come. These choices also reflect our feelings for the people and sacrifices made in settling our communities, which is something that should resonate with us all and sink particularly deep into to Mormons living in places settled by Mormons. This question of what we are doing with what we have been given helps us recognize that what becomes of our communities will serve as our credit or fault. It reflects our sense of the importance of our day, the seriousness with which we treat our stewardship, the depth of our vision, and our ability to put petty interests aside and work together for the greater good.

Granted, we today will rely on the leadership of those inspired to make a difference rather than leaders of a church or any other institution. This is apparent to planners and others drawn to community design. For Mormons, this point has seemed to miss the mark. This is of particular concern.

²⁴⁴ DUNCAN KENNEDY & LEOPOLD SPECHT, *Limited Equity Housing Cooperatives As a Mode of Privatization*, in *A FOURTH WAY? PRIVATIZATION, PROPERTY AND THE EMERGENCE OF NEW MARKET ECONOMIES* (1994).

²⁴⁵ RUDD, *supra* note 236, at 45 (quoting Harold B. Lee's Christmas Devotional for Church Employees, Dec. 1973—days before his death).

To those in the Interior West who have a tie to Mormonism but do not spend much time thinking along these lines, it is these people that need to reflect on history and on the consistent voice and policies of the Mormon Church concerning the importance of building communities that show a measure of respect for today's society, for those of the future, and for what we have been given. Mormons may not have an exact blueprint about how to do this, but Mormons have principles to base their decisions upon—those of vision, cooperation, stewardship, and care for the poor. As Mormons still believe: It is not necessary for people to be “command[ed] in all things” and that “should be anxiously engaged in a good cause, and do many things of their own free will. . . .”²⁴⁶ Mormon leader J. Reuben Clark once offered this plea: “Our fathers and grandfathers, our mothers and grandmothers were fashioned in heroic molds; they were built of the virtues that make mighty enterprises. It is not too much to hope and pray that we of our day may measure to their stature.”²⁴⁷

May the Interior West, and all of us, embrace the reality that the measure of each of us extends well beyond our own homes and even our neighborhoods. May we all—regardless of our religion and background—come to embrace the challenge of building a modern Zion. For the West, this is the only way that we will measure up to its greatest challenge: to build a “civilization to match its scenery.”²⁴⁸

²⁴⁶ DOCTRINE AND COVENANTS, *supra* note 12, at 58:26-27.

²⁴⁷ Cecil McGavin, *Grain Among the Latter-day Saints in IMPROVEMENT ERA* 186 (Mar. 1941) (quoting J. Reuben Clark, Jr. on the Church's building of a grain elevator used to store wheat for the poor) (on file with author).

²⁴⁸ STEGNER, *supra* note 15, at xv.